

ber 15, 1925; to the Committee on Industrial Arts and Expositions.

By Mr. FLEETWOOD: Memorial of the Legislature of the State of Vermont, favoring the repeal of all Federal estate taxation laws for the purpose of leaving this source of revenue to the States alone; to the Committee on Ways and Means.

By Mr. LEAVITT: Memorial of the Legislature of the State of Montana, favoring the participation of the United States in the international arbitration conference to be held at Geneva on June 15, 1925; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Montana, opposing a reduction in rates of the duty on linseed oil and flax; to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HERSEY: A bill (H. R. 12249) granting an increase of pension to Mary E. Corliss; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 12250) granting an increase of pension to Sophie B. Culbertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12251) granting an increase of pension to Mollie Richardson; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 12252) granting an increase of pension to Felitha Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12253) granting an increase of pension to Ann E. Underhill; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 12254) granting an increase of pension to John Scott; to the Committee on Pensions.

By Mr. STEAGALL: A bill (H. R. 12255) permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, Tallahassee meridian, in Bay County, Fla., to P. C. Black; to the Committee on the Public Lands.

By Mr. SWING: A bill (H. R. 12256) for the relief of Rebecca R. Sevier; to the Committee on Military Affairs.

By Mr. TEMPLE: A bill (H. R. 12257) to authorize Dr. L. O. Howard, Chief of the Bureau of Entomology, Department of Agriculture, to accept certain decorations from the French Government; to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Michigan: A bill (H. R. 12258) for the relief of James H. McLaughlin; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3737. By the SPEAKER (by request): Petition of George Keller, Hartford, Conn., opposing the present design to be followed in the construction of Arlington Memorial Bridge; to the Committee on the Library.

3738. Also (by request), petition of citizens of Orlington, Calif., opposing the enactment of Senate bill 3218; to the Committee on the District of Columbia.

3739. By Mr. GALLIVAN: Petition of the Greater Boston Chapter of the General Alumni Association of Howard University, recommending early and favorable consideration of House bill 9635, a bill to federalize Howard University; to the Committee on Education.

3740. By Mr. HAWLEY: Petition of citizens of the State of Oregon to the House of Representatives not to concur in the passage of the compulsory Sunday observance bill (S. 3218) nor to pass any other religious legislation which may be pending; to the Committee on the District of Columbia.

3741. By Mr. HICKEY: Petition of Dr. H. B. Boram, 205 Dean Building, South Bend, Ind., and others, protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3742. Also, petition of Mr. R. A. Proctor, 405 North Michigan Street, South Bend, Ind., and others, protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3743. By Mr. KELLY: Petition of Chamber of Commerce of Pittsburgh, Pa., opposing changes in transportation act; to the Committee on Interstate and Foreign Commerce.

3744. By Mr. MacLAFFERTY: Petition of citizens of Berkeley and Oakland, Calif., protesting against the passage of the compulsory Sunday observance bill (S. 3218) and any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3745. By Mr. McREYNOLDS: Petition of citizens of the State of Tennessee, protesting against the passage of Senate bill

3218, compulsory Sunday observance; to the Committee on the District of Columbia.

3746. By Mr. MOONEY: Petition of the Martha Bolton Club, of Cleveland, Ohio, favoring participation by the United States in the World Court; to the Committee on Foreign Affairs.

3747. Also, petition of the American Association of University Women, Cleveland Branch, favoring participation by the United States in the World Court; to the Committee on Foreign Affairs.

3748. By Mr. MORROW: Petition of New Mexico Wool Growers' Association, in favor of Phipps bill (S. 2424); to the Committee on Agriculture.

3749. Also, petition of the New Mexico Wool Growers' Association, favoring the leasing of the remaining unappropriated public domain; to the Committee on the Public Lands.

3750. Also, petition of the New Mexico Wool Growers' Association, favoring the present tariff schedules on sheep and sheep products; to the Committee on Ways and Means.

3751. By Mr. O'CONNELL of New York: Petition of Ray P. Holland, editor Field and Stream, favoring the passage of the game refuge bill (H. R. 745); to the Committee on Agriculture.

3752. Also, petition of the Chamber of Commerce of the State of New York, favoring the continuation of naval radio service on Pacific Ocean; to the Committee on Naval Affairs.

3753. Also, petition of the Chamber of Commerce of the State of New York, favoring the participation of the United States in a World Court; to the Committee on Foreign Affairs.

3754. Also, petition of the Chamber of Commerce of the State of New York, favoring the passage of House bill 11447, with the exception of paragraph 4 of section 4; to the Committee on Interstate and Foreign Commerce.

3755. By Mr. SANDERS of New York: Petition of the Utz & Dunn Co. and 15 other shoe manufacturing companies of Rochester, N. Y., urging passage of the bill abolishing the surcharge on Pullman fares; to the Committee on Interstate and Foreign Commerce.

3756. By Mr. SINNOTT: Petition of numerous citizens of the State of Oregon against Senate bill 3218, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3757. By Mr. WILLIAMS of Michigan: Petition of Fannie McCormick and 16 other residents of Branch and Hillsdale Counties, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3758. Also, petition of John R. Carter and 34 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3759. By Mr. ZIHLMAN: Petition of citizens of Philadelphia, Pa., protesting against the passage of Senate bill 3218 or any other compulsory Sunday observance bill; to the Committee on the District of Columbia.

#### SENATE

THURSDAY, February 12, 1925

(Legislative day of Tuesday, February 3, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

CALF-LEATHER INDUSTRY (S. DOC. NO. 198)

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of Commerce, transmitting, in response to questions Nos. 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 14, and 15 of Senate Resolution 256, a report of the Department of Commerce on the effect of imports upon the calf-leather industry, and also embodying a report prepared by the United States Tariff Commission in reply to questions 3, 6, 13, 16, and 17. It will lie on the table until action is taken by the Senate.

Mr. COPELAND subsequently said: Mr. President, there was laid before the Senate a few minutes ago and ordered to lie on the table a report from the Commerce Department on the calf-leather industry. I ask unanimous consent that the report may be printed as a Senate document, and continue to remain upon the table for further action.

Mr. SMOOT. I did not hear the request of the Senator from New York. What report is it?

Mr. COPELAND. It is the report on the calf-leather industry.

Mr. SMOOT. From what body?

Mr. COPELAND. From the Commerce Department.

Mr. SMOOT. The Commerce Department will have to print the report from its own fund. We appropriate so much money

for each of the bureaus and departments of the Government. If it was in answer to a Senate resolution, of course it could be printed by the Senate.

Mr. COPELAND. It was in answer to a Senate resolution.

Mr. SMOOT. Then I have no objection.

There being no objection, the report was ordered to be printed.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2720. An act to authorize the sale of lands in Pittsburgh, Pa.; and

H. R. 4148. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the enrolled bill (H. R. 11280) authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin, and it was thereupon signed by the President pro tempore.

#### CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ball	Ferris	McKinley	Shortridge
Bayard	Fletcher	McLean	Simmons
Borah	Frazier	McNary	Smith
Brookhart	George	Mayfield	Smoot
Broussard	Glass	Means	Spencer
Bruce	Gooding	Metcalf	Stanfield
Bursum	Greene	Moses	Stanley
Butler	Harrell	Neely	Sterling
Cameron	Harris	Norbeck	Swanson
Capper	Heflin	Norris	Trammell
Caraway	Howell	Oddie	Underwood
Copeland	Johnson, Minn.	Pepper	Walsh, Mass.
Couzens	Jones, N. Mex.	Phippis	Walsh, Mont.
Cummins	Jones, Wash.	Pittman	Warren
Curtis	Kendrick	Ransdell	Watson
Dale	Keyes	Reed, Mo.	Weller
Dial	King	Robinson	Wheeler
Dill	Ladd	Sheppard	
Edge	Lenroot	Shields	
Fernald	McKellar	Shipstead	

The PRESIDENT pro tempore. Seventy-seven Senators have answered to the roll call. There is a quorum present.

#### ADDRESS BY DR. JOHN WESLEY HILL ON ABRAHAM LINCOLN

Mr. WALSH of Montana. Mr. President, this is the anniversary of the birth of Abraham Lincoln. On the last anniversary there was delivered in this city an address by Rev. John Wesley Hill. Doctor Hill is the author of a life of Lincoln, entitled "Lincoln, the Man of God." He is likewise president of the Lincoln Memorial University, located in Cumberland Gap, the purpose of which is the education of the people from whom Abraham Lincoln sprang. I ask unanimous consent that the address of Doctor Hill may be incorporated in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

#### LINCOLN'S LIVING MEMORIAL

An address by Dr. John Wesley Hill, chancellor, Lincoln Memorial University, at the annual celebration of Lincoln's Birthday, observed by Lincoln Memorial University at the Wardman Park Hotel, February 12, 1924. A presentation of the educational needs of the people of the Appalachian Mountains, the stock from which Lincoln came, and the necessity of the application of the principles of Lincoln to their needs and, indeed, to the needs of the Nation.

Doctor Hill said in part:

"Lincoln Memorial University is the crystallized dream of Abraham Lincoln. It stands at Cumberland Gap, where the States of Tennessee, Kentucky, and Virginia intersect, as Lincoln's living memorial. It is the educational hope of a vast population of pure-blooded, upstanding, ambitious American mountaineers handicapped with an average illiteracy of 80 per cent.

"Here in the great, prosperous, and progressive North educational institutions and agencies are duplicated and reduplicated into a veritable prodigality of opportunity, but down there in the isolation and solitude of the mountain fastnesses, where rail splitting and mule riding, candle lighting, homespun, and log cabins survive the march of modern civilization, only a crude cabin school here and there dots the broken

landscapes, and the people sit in a gloom upon which the light of knowledge has but dimly dawned. They are a wonderful people—shy, timid, taciturn, hospitable, and adventurous, full of intensity and high daring, the very stuff of which heroes are made.

"We have read the stories of John Fox and others replete with the romance of the mountains, feudal battles, and illicit distilling; the eccentricities, struggles, and heroism of a grim, gaunt, well-nigh mysterious folk, but beneath the romance and tragedy of it all there flows the purest American blood under our flag.

"We have discovered the economic possibilities of the Appalachian region, harnessed its mountain torrents, uncovered its mineral wealth, felled its forests, and surveyed and appraised ever acre of its soil. But in our development of its natural resources we have not taken stock of its 6,000,000 undiluted Americans. We have expended millions upon the Americanization of the foreign born, the uplift of the Sicilian, the Turk, the Greek, the Portuguese, the Pole, the Russian, the refugees from the despotisms of the Old World, and in our zeal for them we have forgotten the children of our own sky and soil and soul. We have substituted the melting pot for the log cabin; we have been so occupied with the millions pouring in upon us from the backyards of Europe that we have forgotten those of our own national household—children of poverty, not the poverty of the Old World, made despicable by centuries of submission to despotism, but the poverty of the New, in which the germ of manhood grows unrestrained by the demands of luxury and untainted by the poison of prodigality.

"Back there, far back in the mountain fastnesses, there is a vast army of American youth dowered with immeasurable possibilities. Why, the soil has scarcely been 'scratched'; it is an illimitable Klondike; mountains of boys and girls awaiting the refining process of education for sublimation into golden citizenship—coming Clays and unrealized Lincolns. Such a mine is worth working. We have waited long enough, alas, too long. This is the decisive moment. National stability is at stake. We are in the midst of the wrecking forces of ignorant, viscous, un-Americanized alienism. The red flag has been lifted; its glow has fallen even upon our National Capitol. Agitators, demagogues, secessionists, and anarchists have joined in a conspiracy to build upon the ruins of our Republic a bolshevistic dynasty.

"Providence has held these mountaineers in reserve. They have functioned magnificently in every national crisis—at Kings Mountain during the Revolution; throughout the War of 1812 and the Civil War, when their loyalty alone held the border States under the flag of the Union; the Spanish-American War and the World War, in which they furnished the greatest hero of the allied armies—Sergeant York.

"We need them right now to reinforce our patriotism, uphold our national ideals, and to protect them from the marauding hosts bearing down upon us from the Old World.

"I saw a cartoon in my boyhood days representing a disheveled, begrimed tramp, standing at the front door of a magnificent mansion in a great city, politely asking the lady of the house for the privilege of stepping into the hall and 'throwing a fit.' These bolshevistic epileptics are pleading with Uncle Sam for the same privilege, and while, to our national humiliation and disgrace, we have in our midst a weak, cowardly, simpering class of citizens who are ready to open our national gateway for the incoming of these undesirables, thank God, in the country I am representing here to-night, the descendants of the Jamestown settlers, with the blood of Washington, Patrick Henry, and 'Light Horse' Harry Lee in their veins, are insisting that America shall never become a seeding ground for the noxious growths of bolshevism and anarchy.

"There is nothing obsolete in these principles; they are instinct with life, applicable to conditions to-day and adapted to all time; not iridescent baubles of political vacuity, but a body of faith, which is the very corner stone of our national life.

"Lincoln is their ideal and they are following in his footsteps. His principles dominate the curriculum of Lincoln Memorial from preparatory to university. Every problem among our students is challenged with the question: 'What would Lincoln say about it if he were here?' And somehow there is a feeling among these people that Lincoln is there; that his spirit broods over the mountains and that his voice may still be heard pleading for the deathless principles for which he lived and died.

"When Lincoln closed his eyes upon the scenes of time Stanton exclaimed, 'Now he belongs to the ages.' He belongs to the ages because he belongs to humanity, because he is the enshrined reality of democracy. It is impossible to think of him in terms of provincialism. He has outgrown all racial, political, and national limitations and towers as a world figure. His cosmic soul 'goes marching on.' His words are a source of inspiration and direction to all who are seeking the way of truth and duty. He belongs to the world, and wherever men are struggling for liberty his name is their guiding star. He sounded the depths of truth, laid bare things vital and fundamental, and to-day his maxims are more potent than those of any other political leader living or dead. There is scarcely a world problem upon which he has not spoken.



"In religion the Bible was the cornerstone of his faith, prayer the atmosphere of his soul. He trusted in God, relied upon Providence, studied the Bible, and followed in the footsteps of the Nazarene.

"In politics he was neither a reactionary nor a revolutionary. He declared that the dogmas of the past are inadequate to the stormy present, warned against 'rashness,' and pleaded for 'sleepless vigilance.' He stood midway between the extremes. He was never a step too late nor a step too soon. He was not a standpatter, but a sure-stepper. He stood for liberty under the law, and only resorted to emancipation as a military necessity. As between communism and capitalism, he stood for the latter. To the Workmen's Association of New York (1864) he said:

"The strongest bond of sympathy outside the family relation should be one uniting all working people; nor should this lead to war upon property or the owners of property."

"And again, warning against anarchy, he said:

"Let not him who is houseless pull down the house of another, but let him labor diligently and build one for himself, thus by example assuring himself that his own will be safe from violence when built."

"He warned against revolution, declaring that—

"When reverence for law ceases to prevail in our midst the seed of anarchy will be planted at our doors."

"He stood for law and order, saying:

"He who violates the law tears the charter of his own and his children's liberty."

"Continuing, he exhorted:

"Let reverence for law become the political religion of the nation."

"He was the advance herald of equal suffrage:

"I go for all sharing the ballot, by no means excluding women."

"He was opposed to the socialistic program of government ownership. He said:

"The Government should not attempt to do that which the citizen can do as well for himself or better."

"He glimpsed the program of a world court in his second inaugural, when he closed with the deathless words:

"\* \* \* that we may achieve and cherish a just and lasting peace among ourselves and with all nations."

"There is nothing obsolete in these principles; they are instinct with life, applicable to conditions to-day and adapted to all time; not fridescient baubles of political vacuity, but a body of faith, which is the very cornerstone of our national life."

#### THE PRICE OF GASOLINE

Mr. TRAMMELL. Mr. President, I submit a resolution, which I ask may be read and lie on the table.

The resolution (S. Res. 337) was read, as follows:

Whereas during the past two weeks there have throughout the United States been advances in the wholesale and retail price of gasoline, amounting in some of the States to as much as 6 cents a gallon; and

Whereas such enormous increase in the price of this quite generally used product apparently is arbitrarily made and is unwarranted; and

Whereas it is desirable that an inquiry be made to ascertain the cause for such apparently arbitrary and unwarranted increase in the price of gasoline: Therefore be it

*Resolved*, That the Federal Trade Commission be, and it is hereby, directed to investigate the action of the producers and the wholesalers of gasoline, and the retailers thereof, in making such enormous increase in the price of this product; and be it further

*Resolved*, That the Federal Trade Commission make investigation and inquiry to ascertain if the producers and wholesalers of gasoline maintain a monopoly or combination in restraint of trade or commerce and in violation of law; be it further

*Resolved*, That the said commission shall make such investigation hereby directed with reasonable dispatch and report to the Senate the results of such investigation; and be it further

*Resolved*, That should it be determined that the producers and sellers maintain a monopoly or combine in violation of law, that the commission shall proceed forthwith by appropriate action for the punishment of such monopoly or trust and the dissolution thereof.

The PRESIDENT pro tempore. The resolution will lie on the table.

#### ABRAHAM LINCOLN

Mr. SMOOT. Mr. President, to-day is the birthday of the immortal Abraham Lincoln, and I desire to submit a few remarks on his life and character.

In a small Indiana town, not far from Evansville, sleeps one of America's heroines. Her passing was a tragedy in the wilderness—the first great tragedy that came into the life of her noble son. On a simple and modest granite column are these words:

Nancy Hanks Lincoln, mother of Abraham Lincoln, died Oct. 5, 1818, aged 35 years.

She was buried in a forest, under a spreading and majestic sycamore. When all was over, a lad of 11 sat alone on the mound of fresh earth until the shadows grew deep and dark; and wept his first bitter tears.

Eleven years later, when the lad, now grown to early manhood, moved west into Illinois, he put on a wooden slab the initials "N. H. L." and placed it securely at the head of the grave, now almost obliterated.

In 1876 James Studebaker, of South Bend, bought a marble headstone and placed it on the grave, and built a fence around the sacred spot.

In 1905 a few citizens of Indiana bought the hilltop, a beautiful grove of 30 acres, and gave it to the State of Indiana forever. Now it is called Nancy Hanks Park, with well-trimmed trees, winding walks, and well-kept roads. It is the mecca of thousands who come to pay homage to motherhood and a noble soul.

On this tomb are four words—the most precious tribute tongue can tell or pen can write:

Mother of Abraham Lincoln.

"All I am and all I hope to be I owe to my dear mother," wrote Abraham Lincoln years later. The mothers of such as Lincoln too often are forgotten!

Abraham Lincoln doubtless has been the subject of more literary composition than any other man of modern times. In the Congressional Library alone are more than 3,000 volumes—histories, memorials, biographies, anecdotes, speeches, and tender tributes of this remarkable man. More than half a century has passed since his final martyrdom, yet he stands out among America's great, perhaps the greatest of all. There is no other man in all human history whose reputation is more firmly and clearly established. Certainly there is none more beloved and revered, whose character is so universally admired and whose benign influence has dwelt so long among men. It will never die. About him the last word never can be said. Each succeeding generation will profit by his life and his example and grow through the power of his spirit to the end of time.

The story of his life from poverty to exalted power among men is well known to all. The question that most concerns us is this: "Whence came the remarkable qualities of this man? Wherein was he great? How did it happen that a poor and humble country lawyer and local politician suddenly took his place with the world's greatest statesmen and solved problems that staggered the wisest minds of the Nation?"

Such men are not accidents. Abraham Lincoln, all unconscious of his sublime destiny, by his early struggles and privations, was qualified for the task to which Infinite Wisdom had assigned him. The Almighty chooses the humblest for his greatest work.

None now scruple to call Abraham Lincoln great. By some strange fortune it fell to his lot to achieve results hitherto declared possible only to the highest order of genius and faculty. He was history's most startling wonder. Outwardly an ordinary man, he wrought the most extraordinary things in a sphere of action where personal character and official influence were subject to the severest test. He had not the stern dignity of Washington nor the brilliancy of Hamilton, nor the versatility of John Quincy Adams, nor the finished eloquence of Everett, nor the majesty of Webster. Yet there was in him that which, when measured by results, prove him inferior to none of these illustrious men.

He pretended nothing he did not possess. His simplicity, his candor, his common sense baffled his critics. The ease with which he mastered the most intricate problems of his time deceived all save those nearest to him. He did not claim eloquence, yet his simplest passages were most eloquent. His utterances are immortal; the world will never forget them.

His gentleness and humanity were proverbial. Mistaken for weakness, they were springs of strength and character. Amid the strifes and struggles of a period of tumult and revolution he maintained a calm and self-control unparalleled.

Tested by all the measures of greatness, he met them all. He did not abuse his power. No one in high office so scrupulously marked the limitations of authority or more reluctantly exceeded them in time of national peril. As a leader he took all possible hazards and won. He encountered difficulties that would have overwhelmed a less patient, confident, and devout man. He molded the minds and character of a free people as few before him have done. He won and held the confidence of the people; the people surrendered to him their lives and fortunes without complaint. He enriched the history of a people and multiplied their traditions of endurance, heroism, and patriotism. He lived a life of service and sealed it in a

martyr's death. The Nation lost the mortal Lincoln; it gained the immortal Lincoln.

In a memorial sermon delivered soon after Mr. Lincoln's death, the eloquent Henry Ward Beecher, who did so much to uphold the hand of President Lincoln, said:

And now the martyr is moving in triumphal march, mightier than when alive. The Nation rises up at every stage of his coming. Cities and States are his pallbearers, and the cannon beats the hours with solemn progression. Dead, he yet speaketh. \* \* \* Disenthralled of flesh and risen in the unobstructed sphere where passion never comes, he begins his illimitable work. His life now is grafted upon the infinite and will be fruitful as no earthly life can be. \* \* \* In the midst of this great continent his dust shall rest, a sacred treasure to myriads who shall pilgrim to that shrine to kindle anew their zeal and patriotism.

Abraham Lincoln is remembered not so much for his intellect as for his character. In his historic debates with Stephen A. Douglas he met an antagonist possessing a keen intellect but lacking in moral power. As a pure contest of wits Mr. Douglas was not much inferior to Mr. Lincoln, but Mr. Lincoln triumphed in the forum of public opinion because back of his logic and argument was a moral force, a lofty character, that appealed to the hearts and the souls of liberty-loving Americans.

In his immortal inaugural addresses and his Gettysburg address Abraham Lincoln revealed not only grandeur of thought but tenderness of heart. So long as this Republic shall endure, the words of Abraham Lincoln will be the Nation's heritage and inspiration:

We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break the bonds of affection. The mystic chords of memory stretching from every patriot grave to every living heart and hearthstone all over this broad land will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature.

\* \* \* \* \*

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who has borne the battle, and for his widow and orphan; to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

\* \* \* \* \*

The world will little note nor long remember what we say here, but it never can forget what they did here. \* \* \* It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom.

Washington and Lincoln are the two outstanding figures in American history. Both faced great crises—the one to create a nation, the other to preserve a nation. As to which faced the greater task it may not be for us to judge. Read what Mr. Lincoln said and thought. When bidding his friends and neighbors in Springfield, Ill., farewell upon his departure for Washington, he said:

I now leave, not knowing when or whether ever I may return, with a task before me greater than that which rested upon Washington.

Under the weight of all but killing responsibilities President Lincoln's religious character was revealed. No President ever faced a situation of greater difficulty, of deeper discouragement.

I am driven to my knees—

He said—

because there is nowhere else to go.

The ship of state was plunging in a raging storm, with dangers on every side and men's hearts failing for fear. Jealousies in his own political household and unfriendliness of foreign powers were perplexing and menacing. They added to President Lincoln's burden of anxiety at a time when reverses to the Union Army sorely depressed his spirits. One general after another failed to win decisive victories. Terrible losses were suffered by the Union troops, which sent a wave of discouragement over the loyal section of the country, while unfriendly verdicts at the polls seared his heart and soul.

The firmness of Mr. Lincoln, his confidence and hopefulness when the outlook was the darkest and when the cry of "Peace at any price" was loudest, were due to his unwavering reliance on and clinging faith in an overruling Providence. His faith was justified, his prayers answered on the field of Gettys-

burg. At Appomattox the "Better angels of our nature" ended the struggle. The Nation was saved. Abraham Lincoln wore a new "expression of serene joy, as if conscious that the great purpose of his life had been achieved."

What are some of the lessons from the life of this great American?

He who can master his conditions, instead of being overwhelmed by them, has won half the battle. He who is a victim of his conditions and surroundings, with no ability or power, has lost the battle already.

Abraham Lincoln was closely in touch with the common people, the common thought, the common life. He was one of the common people. His homely philosophy, his apt illustrations, made him the idol of the masses. His political and social ideas were sound. His influence with the masses was moral and righteous. With such an influence comes power.

Abraham Lincoln was honest in his personal character, honest in his professional character, and honest in his political character. He never took a law case that he did not believe was right.

It is worthy of note that Abraham Lincoln possessed a keen sense of humor. He said that "the man who can smile at his own discomfort, at disasters that come to himself, is safe." Often criticized for indulging in humor, Lincoln replied: "If I could not laugh I would die." A strange statement for this sad and melancholy man to make; yet Lincoln's humor gave him relief in the midst of the great stress and burden of public affairs.

Much has been written on the question: "Was Lincoln a religious man?" If we measure him by the standard of goodness, of devotion to his fellow men, of consecration to high ideals, of service to humanity, of his unselfishness and magnanimity—then he was most magnificently religious.

In these days of political and social experiments, it seems quite the fashion for some to quote from the words of Abraham Lincoln in support of so-called "progressive doctrines." Yet perhaps the two essentials of Mr. Lincoln's political principles were, first, obedience to law; second, reverence for the Constitution of the United States. At the age of 26, in an address at Springfield, Ill., he said:

Let reverence for the law be breathed by every American mother to the babe that prattles on her lap. Let it be taught in schools, in seminaries, and in colleges. Let it be written in primers, spelling books, and almanacs. Let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. In short, let it become the political religion of the Nation.

Not infrequently efforts have been launched to make it appear that Mr. Lincoln's faith in the Constitution and the judiciary was shaken by the famous Dred Scott decision. Nay, it is asserted that Mr. Lincoln even favored a popular review or congressional review of judicial decisions. This is a mistake. Mr. Lincoln realized that respect for the Supreme Court and the judiciary was necessary to maintain the Government; and whenever decisions on constitutional grounds appeared to be wrong, the only remedy was a change in the membership of the court, or an arousal of public opinion against what appears to be a manifestly wrong view. At all times, he said, the judiciary should be upheld. Certainly Mr. Lincoln never favored a popular or congressional referendum of a decision of the Supreme Court. It meant destruction of the Constitution.

Nor did Mr. Lincoln for one moment depart from the great purpose of his life—the preservation of the Union. It is well for those who regret the growth of the national spirit to recall this. If nationalism departs from this Republic, disintegration and decay will follow speedily. The national spirit touches the heart strings, inspires patriotism, and gives spiritual power to the melodies of the Republic. Abraham Lincoln never lost sight of the Union and the Nation. At Gettysburg he appealed to his countrymen to resolve "that this Nation shall have a new birth of freedom." In his second inaugural he appealed to his countrymen "to bind up the Nation's wounds." His martyrdom was a sacrifice for the Nation. Without nationalism his whole life and work would be in vain.

Some claim that Abraham Lincoln was an "independent" in politics, thus rejecting political-party authority and regularity. On the contrary, he believed in party discipline. He held that the Government of the United States is a political organization, and that the political opinions and activities of those entrusted with its administration in critical days are as much of consequence as integrity and intelligence. He made his appointments from among those who believed in the principles



and the measures of the party with which he was identified. He believed in majority rule within the party.

The Republic was passing through a moral and spiritual revival when Abraham Lincoln appeared in the great drama. Again the Nation feels the touch of moral and spiritual forces in a mighty struggle against materialism.

At the dedication of the Lincoln Memorial in Washington, May 30, 1922, the late President Harding said:

In every moment of peril, in every hour of discouragement, whenever the clouds gather, there is the image of Lincoln to rivet our hopes and to renew our faith. Whenever there is a glow of triumph over our national achievement, there comes the reminder that but for Lincoln's heroic and unalterable faith in the Union these triumphs could not have been.

Before the Holy Name Society in Washington, September 21, last, President Coolidge said:

We Americans are idealists. We are willing to follow the truth because it is the truth. We put our main emphasis on the things which are spiritual. We use wealth as a means to a higher life. \* \* \* The tall shaft near which we are gathered, and yonder stately memorial, remind us that our standards of manhood are revealed in the adoration which we pay to Washington and Lincoln. They are unrivaled and unsurpassed. Above all else, they are Americans.

In an address in New York City, February 12, 1924, President Coolidge said:

To me the greatness of Lincoln consisted very largely of a vision by which he saw more clearly than the men of his time the moral relationship of things. \* \* \* He was a great moral force.

Only the matchless Nazarene can be compared with Abraham Lincoln. The greatest President, powerful and strong—

Yet he was humble, kind, forgiving, mild,  
And with all patience and affection taught,  
Rebuked, persuaded, solaced, counseled, warned,  
In fervent style and manner. Needy poor  
And dying men, like music, heard his feet  
Approach their beds, and guilty wretches took  
New hope, and in his prayers wept and smiled  
And blessed him as they died forgiven; and all  
In his face contentment, in his life  
The path to glory and perpetual joy.

#### PETITIONS AND MEMORIALS

Mr. JOHNSON of Minnesota presented the memorials of Mrs. A. Stremow and 216 other citizens of Wheaton and of D. E. Ward and 36 other citizens of St. Paul, all in the State of Minnesota, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

Mr. CAPPER presented the memorial of the Hub Clothing Co. and sundry other business firms of Dodge City, Kans., remonstrating against the passage of legislation increasing postal rates and changing the zone system, which was referred to the Committee on Post Offices and Post Roads.

Mr. FRAZIER presented the memorials of L. G. Brown and 24 other citizens of Billings County and of Fred Laesle and 94 other citizens of Napoleon, all in the State of North Dakota, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

Mr. BROOKHART presented the petition of Nellie E. Hotchkiss, president of the Women's Club, and sundry other clubs and citizens of Adel, Iowa, praying for the participation of the United States in the World Court under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the American Association for the Advancement of Science, favoring the passage of the so-called migratory bird bill, for the protection of migratory birds, water fowl, fur-bearing animals, and fishes, etc., which was referred to the Committee on Agriculture and Forestry.

Mr. SHORTRIDGE presented memorials numerously signed by sundry citizens of Arlington, Chula Vista, Glendale, Grass Valley, Los Angeles, Paso Robles, San Diego, and Hughson, all in the State of California, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Junior League of the Contemporary Club, of Redlands, Calif., favoring the entrance of the United States into the World Court upon the terms of the so-called Harding-Hughes plan, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Aviation Club, of Superior, Calif., favoring the passage of legislation to combine the air services into a separate department for the national defense with a secretary in the President's Cabinet, etc., which was referred to the Committee on Military Affairs.

He also presented the petition of Harry Benton Clark, of San Francisco, Calif., praying for the passage of legislation designating a day as a national holiday to be observed as School Children's Public Parade Day throughout the United States, which was referred to the Committee on Education and Labor.

#### REPORTS OF COMMITTEES

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4254) for the relief of Ishmael J. Barnes, reported it without amendment and submitted a report (No. 1087) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (H. R. 12002) to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes, reported it without amendment and submitted a report (No. 1088) thereon.

Mr. HEFLIN, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3107) to amend the United States cotton futures act, as amended, reported it with amendments.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11791) to provide for the construction of certain public buildings, and for other purposes, reported it without amendment and submitted a report (No. 1089) thereon.

Mr. BRUCE, from the Committee on Claims, to which was referred the bill (S. 2253) for the relief of the P. Dougherty Co., reported it without amendment and submitted a report (No. 1090) thereon.

Mr. FERRIS, from the Committee on Commerce, to which was referred the bill (H. R. 9537) to authorize the Secretary of Commerce to transfer to the city of Port Huron, Mich., a portion of the Fort Gratiot Lighthouse Reservation, Mich., reported it without amendment and submitted a report (No. 1091) thereon.

Mr. LADD, from the Committee on Commerce, to which was referred the bill (S. 4225) to extend the time for commencing and completing the construction of a bridge across the Detroit River within or near the city limits of Detroit, Mich., reported it without amendment and submitted a report (No. 1092) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 4209) to authorize the building of a bridge across the Santee River in South Carolina (Rept. No. 1093);

A bill (S. 4210) to authorize the building of a bridge across the Congaree River in South Carolina (Rept. No. 1094);

A bill (S. 4211) to authorize the building of a bridge across the Catawba River in South Carolina (Rept. No. 1095);

A bill (S. 4212) to authorize the building of a bridge across the Broad River in South Carolina (Rept. No. 1096);

A bill (S. 4213) to authorize the building of a bridge across the Santee River in South Carolina (Rept. No. 1097);

A bill (S. 4214) to authorize the building of a bridge across the Savannah River between South Carolina and Georgia (Rept. No. 1098); and

A bill (S. 4217) granting the consent of Congress to the Susquehanna Bridge Co. and its successors to construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa. (Rept. No. 1099).

Mr. LADD also, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 10412) granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct a bridge across the Little Calumet River (Rept. No. 1101); and

A bill (H. R. 10596) to extend the times for commencing and completing the construction of a dam across the Red River of the North (Rept. No. 1102).

#### INVESTIGATION OF CAMPAIGN EXPENDITURES (REPT. NO. 1100)

Mr. BORAH. Mr. President, I desire, as chairman of the special committee under Senate Resolution 248, to submit a report which I send to the desk and ask that it may be printed.

I have here the testimony complete which was taken by the committee, but the committee have not thought that it would be necessary to print the testimony. It would be quite expensive to do so. But they ask permission to file it with the Secretary

of the Senate in its typewritten form so that it may be there for consultation if anyone desires to consult it.

Mr. WALSH of Massachusetts. Will the Senator state what the report is?

Mr. BORAH. Does the Senator mean as to the details?

Mr. WALSH of Massachusetts. No; the title; the subject matter.

Mr. BORAH. The report is under Senate Resolution 248, wherein there was provided a special committee to investigate campaign expenditures. The report undertakes to give the amount collected by the parties, the amount expended, and the list of those contributing over \$1,000. It then recommends certain matters with reference to legislation.

Mr. WALSH of Massachusetts. There is a recommendation of legislation?

Mr. BORAH. Yes.

Mr. ROBINSON. The report will be printed?

Mr. BORAH. Yes; I ask that the report be printed, and when the report has been printed I think it would be well to refer it to the Committee on Privileges and Elections.

The PRESIDING OFFICER (Mr. LADD in the chair). Without objection, the report will be printed, and it will be referred to the Committee on Privileges and Elections.

#### ENROLLED BILL PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on February 11, 1925, that committee presented to the President of the United States the enrolled bill (S. 3722) to authorize the State of Indiana, and the State of Illinois, to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 4287) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Fort Vancouver Centennial; to the Committee on Banking and Currency.

By Mr. SPENCER:

A bill (S. 4288) granting a pension to Mary J. Walters (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4289) authorizing the construction of a bridge across the Colorado River near Blythe, Calif.; to the Committee on Commerce.

A bill (S. 4290) for the relief of William Eckman; and

A bill (S. 4291) to extend the provisions of the United States employees' compensation act of September 7, 1916, to James E. Dethlefsen; to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 4292) granting a pension to Eugene A. Rentz; to the Committee on Pensions.

A bill (S. 4293) authorizing the acceptance from the Georgia Society Colonial Dames of America of a conveyance of the title to Fort Frederica, St. Simon Island, Ga., and for other purposes; to the Committee on Military Affairs.

By Mr. BURSUM:

A bill (S. 4294) granting a pension to John Mosley;

A bill (S. 4295) granting an increase of pension to Mary J. Reynolds;

A bill (S. 4296) granting an increase of pension to Grace L. Brewer; and

A bill (S. 4297) granting an increase of pension to Edward Purdy; to the Committee on Pensions.

By Mr. BRUCE:

A bill (S. 4298) granting a pension to Jennie R. Dorsey (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4299) granting an increase of pension to Georgiana R. Shaw; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4300) to create a Federal cooperative marketing board, to provide for the registration of cooperative marketing, clearing-house, and terminal-market organizations, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. JOHNSON of California:

A bill (S. 4301) authorizing any tribe or band of Indians of California to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. REED of Missouri:

A bill (S. 4302) incorporating the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine for North America; to the Committee on the Judiciary.

#### SESQUICENTENNIAL OF AMERICAN INDEPENDENCE

On motion of Mr. COPELAND and by unanimous consent, the joint resolution (S. J. Res. 166) authorizing the establishment of a commission to be known as the sesquicentennial of American independence and the Thomas Jefferson centennial commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document, which had been reported from the Committee on the Library, was taken from the calendar and referred to the Committee on Appropriations.

#### HOUSE BILLS REFERRED

The following bills were each read twice by title and referred to the Committee on Mines and Mining:

H. R. 2720. An act to authorize the sale of lands in Pittsburgh, Pa.; and

H. R. 4148. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes.

#### PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on February 10, 1925, the President approved and signed an act (S. 353) for the relief of Reuben R. Hunter.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SHREVE, Mr. ACKERMAN, and Mr. OLIVER of Alabama were appointed managers on the part of the House at the conference.

#### STEAMSHIPS "CEYLON MARU" AND "COMANCHE" AND BARGE "ANODE"

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 84) for the relief of the owners of the steamship *Ceylon Maru*, which was, on page 2, line 2, to strike out "including interest."

Mr. UNDERWOOD. Mr. President, there are three bills from the House of the same nature on the desk, with the same amendment, which reduces the amount the claimant is to receive. I ask that they may receive immediate consideration.

Mr. WARREN. Mr. President, I will ask my friend from Alabama if these are matters which will lead to any extended debate?

Mr. UNDERWOOD. None at all. If they do, I will withdraw them. As the bills passed the Senate they allowed interest. The House strikes out the allowance of interest and reduces the amount.

Mr. WARREN. They are measures of economy, then.

Mr. UNDERWOOD. Yes. There can be no objection to it except on the part of the men who are getting the relief.

I ask to have the action of the House on the other two bills laid before the Senate, and then I will ask unanimous consent for action upon the House amendments to the three bills.

The PRESIDING OFFICER also laid before the Senate the amendment of the House of Representatives to the bill (S. 82) for the relief of the owners of the steamship *Comanche*, which was, on page 2, line 1, to strike out "including interest."

He also laid before the Senate the amendment of the House of Representatives to the bill (S. 78) for the relief of the owners of the barge *Anode*, which was, on page 2, line 1, to strike out "including interest."

Mr. UNDERWOOD. I ask unanimous consent that the House amendments to all three bills be agreed to.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that the amendments of the House be agreed to. Is there objection? The Chair hears none.

#### INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. Mr. President, with the permission of the chairman of the committee I desire to submit a conference report, and then I shall ask for its present consideration. In explanation of the report I will state that it is on the Interior Department appropriation bill, and every item except three has been agreed to in conference. This is only a partial report. The conferees on the part of the House will take back



those three items for a vote in the House before a final vote is had upon the conference report.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent for the present consideration of the conference report. Is there objection? The Chair hears none. The Secretary will read the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 23, 31, 36, 45, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 11, 12, 13, 16, 17, 19, 20, 21, 22, 24, 25, 29, 39, 40, 41, 42, 46, 47, and 48, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, insert the following: "not to exceed \$2,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "\$35,000, of which \$10,000 shall be available only for the completion of the Taber feed canal"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Provided, That no part of this appropriation shall be used for construction purposes until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law, providing for payment by the district or districts as hereinafter provided. The Secretary of the Interior shall by public notice announce the date when water is available under the project: *Provided further*, That no part of the sum hereby appropriated shall be expended for the construction of new canals or for the extension of the present canal system for the irrigation of lands outside of the 40,000 acres for the irrigation of which a canal system is now provided, until a contract or contracts shall have been executed between the United States and the State of Montana, whereby the State shall assume the duty and responsibility of promoting the development and settlement of the project after completion, securing, selecting, and financing of settlers to enable the purchase of the required livestock, equipment, and supplies and the improvement of the lands to render them habitable and productive. The State shall provide the funds necessary for this purpose and shall conduct operations in a manner satisfactory to the Secretary of the Interior: *Provided further*, That the operation and maintenance charges on account of land in this project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "to remain available until December 31, 1925"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: " : *Provided further*, That no part of this appropriation shall be used for construction purposes until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law, or water users' association or associations, providing for payment by the district or districts, or water users' association or associations, as hereinafter provided: *Provided further*, That the operation and maintenance charges on account of land in this

project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: " : *Provided*, That no part of this appropriation shall be used for construction purposes until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State laws providing for payment by the district or districts as hereinafter provided. The Secretary of the Interior shall by public notice announce the date when water is available under the project: *Provided further*, That no part of the sum provided for herein shall be expended for construction on account of any lands in private ownership until an appropriate repayment contract, in form approved by the Secretary of the Interior shall have been properly executed by a district organized under State law, embracing the lands in public or private ownership irrigable under the project, and the execution thereof shall have been confirmed by decree of a court of competent jurisdiction, which contract, among other things, shall contain a provision for an appraisal, showing the present actual bona fide value of all such irrigable lands fixed without reference to the proposed construction of said Kittitas division, and shall provide that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall be valid unless and until the purchase price involved in such sale is approved by the Secretary of the Interior, and shall also provide that upon proof of fraudulent representation as to the true consideration involved in any such sale the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sale; and all public lands irrigable under the project shall be entered subject to the conditions of this section which shall be applicable thereto: *Provided further*, That no part of the sum hereby appropriated shall be expended for construction until a contract or contracts shall have been executed between the United States and the State of Washington pursuant to its land settlement act embodied in chapter 188, laws of 1919, as amended by chapter 90, laws of 1921, and by chapters 34 and 112, laws of 1923, or additional enactments, if necessary, whereby the State shall assume the duty and responsibility of promoting the development and settlement of the project after completion, including the subdivision of lands held in private ownership by any individual in excess of 160 irrigable acres, the securing, selection, and financing of settlers to enable the purchase of the required livestock, equipment and supplies, and the improvement of the lands to render them habitable and productive. The State shall provide the funds necessary for this purpose and shall conduct operations in a manner satisfactory to the Secretary of the Interior: *Provided further*, That the operation and maintenance charges on account of land in this project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In line 10 of the matter inserted by said amendment strike out the words "until used"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 27, 30, 34, 37, 38, 43, 44, and 50.

REED SMOOT,  
CHARLES CURTIS,  
WM. J. HARRIS,

*Managers on the part of the Senate.*

LOUIS C. CRAMTON,  
FRANK MURPHY,  
C. D. CARTER,

*Managers on the part of the House.*

Mr. SMOOT. I move that the report be adopted. I am anxious to get action on it so that it can be gotten over to the other House. They would like to have it there as quickly as possible.

The PRESIDING OFFICER. The question is on agreeing to the report of the conferees.  
The report was agreed to.

#### INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes.

Mr. WARREN. Mr. President, when the recess was taken last night we had reached page 7 of the bill in the reading at the desk.

The PRESIDING OFFICER. The Secretary will state the amendment found on page 7, beginning at line 6.

The PRINCIPAL LEGISLATIVE CLERK. On page 7, line 6, before the words "of which," it is proposed to strike out "\$26,000" and insert "\$32,000," so as to read:

For examination of presidential postmasters, including travel, stationery, contingent expenses, additional examiners and investigators, and other necessary expenses of examinations, \$32,000, of which amount, etc.

Mr. FLETCHER. I desire to ask the chairman of the committee a question. In this amendment there is an increase of \$6,000 provided for over the House provision. What is that intended for? Is it to give additional investigators?

Mr. WARREN. It covers the matter of the examination of postmasters. The sum has been cut down from year to year from \$175,000 to this amount shown, which will be only \$32,000 with the \$6,000 added.

Mr. FLETCHER. Does it come within the Budget estimate?

Mr. WARREN. The full amount was recommended to the Budget, but the Budget thought that they could cut the amount. Afterwards they realized that they had made a mistake, and from the inquiry I made it seemed necessary to add the \$6,000.

Mr. FLETCHER. It refers to expenses generally, without reference to engaging an additional force, increasing the personnel?

Mr. WARREN. On the nomination or employment of postmasters, unless they are already in office, they must be examined according to the rules of the Civil Service Commission.

Mr. FLETCHER. I understand that; but I did not know but that this was to add more examiners.

Mr. WARREN. It is a very small sum, considering what we started with. This is the fourth year, and there will be new appointments and reappointments. I hope the Senator will not make any objection to the amendment.

The amendment was agreed to.

Mr. WARREN. Mr. President, on line 7 I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The PRINCIPAL LEGISLATIVE CLERK. On page 7, line 7, it is proposed to strike out "\$20,880" and to insert in lieu thereof "\$26,880," so as to read:

Of which amount not to exceed \$26,880 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, on page 8, at the beginning of line 6, to strike out "\$21,875" and insert "\$24,592," so as to read:

For rent of building for the Civil Service Commission, \$24,592, if space can not be assigned by the Public Buildings Commission in other buildings under the control of that commission.

The amendment was agreed to.

#### SHENANDOAH VALLEY AND SMOKY MOUNTAIN NATIONAL PARKS

Mr. SWANSON. Mr. President, Senate bill 4109, relative to the acquirement of national parks, to be known as Shenandoah National Park and Smoky Mountain National Park, has been unanimously reported by the Committee on Public Lands and Surveys of the Senate, and a similar bill has also been reported to the House, and may be considered in the House next Monday, I understand. It is very important, in order that the bill may be passed at this session, to get action on it at once, and I ask for its immediate consideration.

Mr. WARREN. I realize that it is necessary to get some of these matters before the House at an early date, and if it will lead to no debate, I shall have no objection.

Mr. SWANSON. I ask that the appropriation bill be temporarily laid aside, and that the Senate proceed to the consideration of Senate bill 4109.

Mr. CURTIS. What does the bill provide for?

Mr. SWANSON. It is a bill authorizing the Secretary of the Interior to appoint a commission to survey the lands in the Shenandoah Valley in order to establish a park area. It also includes the Smoky Mountain National Park and the Mammoth Cave National Park.

Mr. CURTIS. Does it make an appropriation or authorize one?

Mr. SWANSON. It authorizes the appropriation of \$20,000. The Budget Bureau has estimated for it. It provides for three surveys and for a report to Congress.

Mr. CURTIS. I have no objection to the bill.

Mr. MCKELLAR. It has the approval of the Budget Bureau and of the President.

Mr. SWANSON. It is designed to make a survey and ascertain the conditions, costs, and advantages which would accrue naturally if one or more parks were created in the designated area. I ask unanimous consent for the immediate consideration of the bill.

Mr. SIMMONS. I desire to say that it has the approval of all the Senators from the territory embraced within the contemplated parks.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent for the present consideration of Senate bill 4109, relative to the acquirement of national parks, to be known as Shenandoah National Park and Smoky Mountain National Park. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SWANSON. I desire to offer an amendment. The House committee has reported a bill on which all interested in the territory involved have agreed, and I move to strike out all after the enacting clause of the Senate bill and to insert the text of the House bill, which I send to the desk.

The PRESIDENT pro tempore. The Senator from Virginia moves that all after the enacting clause of the Senate bill be stricken out and that the language found in House bill 11980 be substituted in lieu thereof. The Secretary will read the proposed amendment.

The PRINCIPAL LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause and to insert:

That the Secretary of the Interior is hereby authorized and directed to determine the boundaries and area of such portion of the Blue Ridge Mountains of Virginia lying east of the South Fork of the Shenandoah River and between Front Royal on the north and Waynesboro on the south as may be recommended by him to be acquired and administered as a national park, to be known as the Shenandoah National Park, and such portion of the Smoky Mountains lying in Tennessee and North Carolina as may be recommended by him to be acquired and administered as a national park, to be known as the Smoky Mountains National Park, and in the Mammoth Cave regions of Kentucky, and also such other lands in the southern Appalachian Mountains as in his judgment should be acquired and administered as national parks, and to receive definite offers of donations of lands and moneys, and to secure such options as in his judgment may be considered reasonable and just for the purchase of lands within said boundaries, and to report to Congress thereon: *Provided*, That the Secretary of the Interior may, for the purpose of carrying out the provisions of this act, appoint a commission of five members, composed of a representative of the Interior Department and four national-park experts, said four members to serve without compensation.

SEC. 2. A sum sufficient to secure options and to pay the necessary expenses of the commission in carrying out the provisions of this act, including the salary of one clerk to the commission at a rate not to exceed \$2,000 per annum, necessary traveling expenses of the members of the commission, and \$10 per diem in lieu of actual cost of subsistence, in all not to exceed \$20,000, is hereby authorized to be appropriated.

Mr. SMOOT. Does the text of the House bill differ from that of the Senate bill?

Mr. SWANSON. It is different to the extent that the House bill includes the Mammoth Cave region. The two bills are practically the same. There is a provision for an investigation of the Smoky Mountain region and for an investigation of the Shenandoah region. Then, the House bill provides for an investigation of the Mammoth Cave region, and that there shall be a report to Congress. The bill authorizes an appropriation of \$20,000. The only difference is that the bill as originally introduced in the Senate provided simply for an



appropriation of \$15,000. There has been an additional Budget estimate of \$5,000 to cover an investigation of the Mammoth Cave section, the report of the commission to include that region also, if the appropriation shall be made.

Mr. SMOOT. The bill has not passed the House?

Mr. SWANSON. It has not passed the House, but it may come up Monday in the House.

Mr. SMOOT. The Senator is offering an amendment to the Senate bill containing the provisions of the House bill?

Mr. SWANSON. To insert the language of the House bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SWANSON. I desire to have the title amended to conform with the amendment made.

The title was amended so as to read: "A bill to provide for the securing of lands in the southern Appalachian Mountains and in the Mammoth Cave regions of Kentucky for perpetual preservation as national parks."

#### INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

The reading of the bill was continued.

The next amendment was, under the heading "Smithsonian Institution," subhead "National Museum," on page 23, line 4, before the words "of which," to strike out "\$74,560" and insert "\$77,560," and in line 5, before the word "may," to strike out "\$40,780," and insert "\$41,580," so as to read:

For heating, lighting, electrical, telegraphic, and telephonic service, \$77,560, of which amount not to exceed \$41,580 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The reading of the bill was continued to line 21, page 23.

Mr. WARREN. I send to the desk an amendment at this point in the bill which I ask to have agreed to.

The PRESIDENT pro tempore. The amendment will be stated.

The PRINCIPAL LEGISLATIVE CLERK. On page 23, line 21, strike out "\$551,392" and insert in lieu thereof "\$554,392," so as to read:

In all, National Museum, \$554,392.

The amendment was agreed to.

Mr. KING. I understand the amendment offered by the chairman of the committee is to increase the appropriation?

Mr. WARREN. It is simply to correct the total on account of the amendments agreed to in lines 4 and 5.

Mr. KING. I would like to ask the chairman of the committee, in view of some inquiries which have been addressed to me recently, whether the appropriation for the National Museum brings any corresponding benefit. There has been some criticism as to its efficiency, indeed as to its necessity. I express no opinion. One letter which I received stated that unless we had a museum of large proportions supported by gifts and benefactions from private individuals as well as from the Government it would be better to have none at all. New York City, as we all know, is building up very fine institutions, picture galleries, and museums. The same is true of Chicago, Philadelphia, and other large cities.

I express no opinion as to the propriety and wisdom of the Government of the United States establishing in Washington a national museum. If we are going to embark upon the undertaking, it will call for millions of dollars, and each year additional appropriations. To have an unimportant, insignificant museum in the Capital of the National does not appeal to me. We ought either to have a museum worthy of the name or have none at all.

Mr. WARREN. We have the latest addition to the faculty of the museum present in the person of the Senator's colleague, and perhaps he will give us some information on the question propounded by the junior Senator from Utah.

Mr. SMOOT. Mr. President, I will say to my colleague that there is no American who comes to Washington and goes to our National Museum who is not greatly surprised to find that we have not an arts building in connection with that great institution. Mr. Freer gave a wonderful collection

and provided a building in which to house it, of which the American people are greatly appreciative. I am in favor of erecting an arts building. I will say to the Senate right now that I know of three of the best collections of art in the United States which would be willed to the arts institution if we had an arts building capable of holding those wonderful art collections. Such a building is going to come, in my opinion, but it ought to come at an early date.

The institution is at the present time undertaking to collect a million dollars by donations from individuals in the United States for a certain purpose. I am in hopes that the undertaking will be successful. The Senator, I am quite aware, is acquainted with the history of the development of the Smithsonian Institution. The interest that the institution receives annually from the original donation by Mr. Smithsonian, of England, amounts to about \$60,000. The only objects of art which we now have in the museum are those which have been donated by individuals; and I wish to say frankly that if the Senator will take the time some day to go through the entire building he will find some really remarkable paintings which are stored away in various portions of the building. The institution has no place in which to exhibit those paintings. It is really a crime, I was going to say, that those paintings are not in a position so that the American people might see them. As I have said, if we had a new building we should have one of the best art collections in all the world within a very few years, not by purchase but by gift. There is, however, at present no incentive for donations to the Government by wealthy art collectors. A wealthy woman said to me the other day when I was talking to her about the matter, "What is the use of my putting in my will a provision bequeathing my art collection to the Smithsonian Institution when that institution has not a foot of space in which to take care of it?" And I could not deny the truth of her statement.

Mr. SMITH. What is the amount of the appropriation for this purpose?

Mr. SMOOT. There is no appropriation for an art building about which the Senator asked me.

Mr. KING. The appropriation in this instance amounts to more than \$400,000. May I say to my colleague that I share the view which he expresses, namely, that we should have a suitable art gallery and museum here in the Capital of the Nation. That is what I am inquiring about. The complaints which have come to me have been that we either ought to have a suitable building or we ought to have none at all; that the Congress ought to provide a plan for the erection of a suitable building and to establish a national museum and art gallery that would be commensurate with the power and, I hope, with the culture—

Mr. SMOOT. And the dignity.

Mr. KING. And the ideals of the American people. If we can not do that, I think we shall be wasting some of the money.

Mr. SMOOT. Mr. President, for the information of the Senate, I wish to say that the Smithsonian Institution has at the present time the drawings of just such a building, and a wonderfully suitable location for it, which is already provided and owned by the Government. The building alone will cost about \$7,000,000. I do not know how much money can be obtained from outside private individuals with which to erect such a building, but I am going to ask Congress at the next session to make an appropriation to provide for such building; and, as I have already stated, I know if such a building were erected to-day that the owners of three of the greatest art collections in the United States would in their wills give all of them to the Government.

The PRESIDENT pro tempore. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill beginning on page 24, line 4.

The next amendment of the Committee on Appropriations was on page 24, line 8, after the word "elsewhere," to strike out "\$67,000" and insert "\$90,000," so as to make the paragraph read:

#### PRINTING AND BINDING

For all printing and binding for the Smithsonian Institution, including all of its bureaus, offices, institutions, and services located in Washington, D. C., and elsewhere, \$90,000: *Provided*, That the expenditure of this sum shall not be restricted to a pro rata amount in any period of the fiscal year.

The amendment was agreed to.

The next amendment was, under the heading "Tariff Commission," on page 25, line 11, after the name "District of Columbia," to insert the following proviso:

*Provided*, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

Mr. SMOOT. Mr. President, I have two amendments which I desire to offer to that amendment, and I will explain them.

Mr. McKELLAR. To what amendment does the Senator from Utah refer?

Mr. SMOOT. I refer to the amendment on page 26, in the proviso following the appropriation for the Tariff Commission. I will explain the matter to the Senator, so that he may understand it. In the House of Representatives a provision similar to this was reported by the committee, but it went out on a point of order. The Senator from North Carolina [Mr. Simmons], when the bill was before the Appropriations Committee, handed me the amendment which had been stricken out on a point of order in the House and asked me if I would not endeavor to have it put on the bill in the Senate. I told him that I would. The provision was incorporated in the bill as an amendment in the exact form in which the Senator handed it to me. On examination, however, of the item it appeared there were left out of it a few words contained in the law as it exists to-day, and the amendments which I am about to offer to the amendment are to make it comply with the provisions of the existing law.

Mr. McKELLAR. In other words, the original amendment was not copied accurately?

Mr. SMOOT. The few words which I propose to insert in the amendment were left out in the provision as reported to the other House.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER (Mr. Ladd in the chair). Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I yield.

Mr. SIMMONS. The House committee reported an amendment in the form of a proviso to that section of the bill. I supposed that the proviso as reported by the committee and stricken out subsequently by the House upon the floor incorporated the proviso contained in the present law, and, so thinking, I handed that stricken-out proviso to the Senator from Utah and requested him to use his good offices in the committee to have it restored. Upon examination of the bill as reported by the Senate committee I discovered that some language—very important and material language—contained in the present law had been eliminated in the proviso as reported to the House and as stricken out upon the floor of the House, and I requested the Senator from Utah to amend the proviso in the bill as reported by his committee so as to conform with the provisions of the present law; and he very kindly consented to do so.

Mr. SMOOT. On line 17, page 25, after the word "in," I move to insert "respect to the subject matter of," so as to read:

wherein he or any member of his family has any special, direct, and pecuniary interest, or in respect to the subject matter of which he has acted as attorney or special representative.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment reported by the committee.

Mr. McKELLAR. That is entirely satisfactory; it is absolutely correct, and should be adopted.

The amendment to the amendment was agreed to.

Mr. SMOOT. On page 25, on line 18, after the word "attorney," I move to insert the words "legislative agent," so as to read:

has acted as attorney, legislative agent, or special representative.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. ROBINSON. Now let the amendment be read as finally revised.

The PRESIDING OFFICER. The amendment as amended will be stated.

The reading clerk read as follows:

*Provided*, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any

member of his family has any special, direct, and pecuniary interest, or in respect to the subject matter of which he has acted as attorney, legislative agent, or special representative.

Mr. ROBINSON. In that form the amendment conforms to the present law.

The PRESIDING OFFICER. Without objection, the amendment as amended is agreed to.

Mr. KING. Mr. President, do I understand the language as suggested by the Senator from Utah makes the agreed amendment conformable to the existing statute?

Mr. SIMMONS. It is word for word in conformity with the existing statute, I will say to the Senator.

Mr. ROBINSON. That is the provision which upon my initiative the Senate incorporated in the law after a long debate last year.

Mr. SMOOT. Yes.

Mr. KING. Mr. President, in view of this appropriation for the continuance of the Tariff Commission, I wish to call the attention of the Senate to a very excellent article recently written by Mark Sullivan, which challenges attention to the purpose obviously of many individuals to cut off all importations from abroad and any exports from the United States, so that there will be no necessity for the Tariff Commission. I ask that the article may be read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The reading clerk read as follows:

NEW TREND IN UNITED STATES SHOWN BY FARM REPORT—MARK SULLIVAN SAYS GOVERNMENT AND BUSINESS ARE MOVING TO MAKE AMERICA SELF-CONTAINED—TARIFF TO BE LARGE FACTOR IN CHANGE—LIVING STANDARDS TO BE RAISED BY IGNORING EUROPE AS BUYER AND SELLER

(By Mark Sullivan)

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WASHINGTON, January 28.—The recommendations of President Coolidge's agricultural commission, made public this week, together with a request that Congress enact them into law at this session, point toward something new just ahead of us in American politics and business.

Anyone who follows closely the current developments in government and business in America must recognize the beginnings of this trend. An essential part of the trend is that government and business, including agriculture, agree upon it. This sympathetic cooperation is itself a definite condition of the era on which we are entering. The purpose of it, as yet, is partly instinctive and not fully defined even in the minds of all the leaders of it. But it is apparent that the Government and practically all lines of business in the United States are coming together in an impulse of mutual self-protection to meet the conditions of world trade arising out of the economic rehabilitation of Europe and its increasing activity.

#### A SELF-CONTAINED COUNTRY THE GOAL

The policy which America is moving toward, as yet gropingly, is one of withdrawing to itself, making itself a self-contained country, and trying to maintain our high standard of living by avoiding the competition of Europe, in either the rôle of buyer or of seller. A fairly certain result of that policy should express itself in advocacy of a tariff that will be protective beyond the previous standards of protective tariffs.

The recommendations of the agricultural commission include this: "The American farmer can neither compete with imported agricultural products nor can he compete in foreign markets for the sale of his products at world price levels" created by foreign wages and standards of living. This means that the American farmer is to get out of Europe, both as a buyer and as a seller. That policy runs counter to the former farm leadership which looked to the revival of Europe as a revival of the market for American farm products.

Running parallel to this, and implied in it, is the theory that the American farmer should at once have complete protection for his own products, and also be tolerant of complete protection for everybody else, the whole looking to a high standard of living for everybody in America. In the talk that Secretary Hoover made to this same agricultural commission last week, he said we should "maintain a tariff on agricultural products, on such a basis as will stimulate domestic production, and, I may add, this may be done at no consequential charge upon the consumer in proportion to his gains from a national policy of this character."

"The application of tariff principles should provide for agriculture the same value in stimulating domestic production as has been the case in industry. The second direction must be the development of increased domestic consumption of agricultural products per capita of population. This can only take place through development of a higher general buying power. In other words, a higher standard of living of



the whole population. In turn, this can only be brought about by the elimination of waste and increase in efficiency in our whole production and distribution system. There is room for 20 per cent or 30 per cent increase in our standards of living to-day."

#### TO RAISE NOTHING FOR EXPORT

It is inherent in the policy the agricultural commission recommended that the high standard of living in America, both for farmers and for everybody else, be kept secure by a tariff on manufactures sufficient to safeguard America against competition from abroad. This, too, runs counter to what has been the teaching of some farm leaders for years past, that the tariff on manufactures should be revised downward so as to bring about lower prices for what the farmer buys.

This new policy proposed by the agricultural commission looks to two ends. One is that the American farmer should cease to raise more of any commodity than he can sell in America. To many farmers it will come as a startling suggestion that they should cease, for example, to raise wheat for export. The cotton-raising States will be surprised at any advice to ignore the foreign market, but competent judges in Washington say the rest of the world is already tending to buy less and less of the American cotton crop and to turn for its supply to countries where it can be raised by lower-priced labor. The other end of the new policy is that America should cease to buy any agricultural products from abroad, and that we should adopt tariffs sufficient to stimulate the raising in America of everything we consume. Presumably sugar is one of the important products this part of the policy would affect.

#### TENDENCY SEEN IN RAILROAD FIELD

This tendency toward America turning in on itself to become a self-contained unit with all the trades mutually protective as against Europe is under way in other fields besides farming. Last week C. W. Barron, the owner of several financial journals, spoke of our protective tariff as one "that must be raised unless wages in other countries are raised," and reported that Belgian rails are refused in the United States at \$10 a ton below the domestic price because railroads must protect the American steel industries that give them so large a proportion of their traffic.

"But street railways and building trades may yet bid for foreign steel unless foreign wages advance or the American tariff is advanced."

It is reasonable to predict that the tariff question is ahead of us in a form it has not hitherto assumed. One wonders how long it will be before Democratic leaders of the old school take notice of this trend.

Mr. SIMMONS. Mr. President, in connection with this item in the bill I deem it proper to make a few observations with reference to the Tariff Commission, not in any partisan spirit but from an earnest desire to preserve the integrity and usefulness of that body.

Mr. FLETCHER. Mr. President, may I interrupt the Senator just a minute there to suggest to him that he might dwell upon the general policy which has been outlined in this article and which we see indicated by newspaper comment and which seems to come from pretty high authority, that the policy is to close up foreign markets for agricultural products and have the United States live unto itself. What sort of position will that put the cotton grower in if that policy is pursued?

Mr. SIMMONS. It will destroy him.

Mr. FLETCHER. What will become of the great industry by which the world is furnished clothing?

Mr. SIMMONS. And what will become of the wheat industry in this country?

Mr. FLETCHER. Yes.

Mr. SIMMONS. What will become, it might be asked, of every American agricultural industry which is producing and has been producing and must continue to produce, if it is possible for it to do so and live, products far in excess of the domestic demand? In the cotton industry it is estimated that under normal conditions only about one-half of all the cotton produced in this country is consumed here. The balance is consumed abroad. That is true, probably, of naval stores. That is true to a less degree of the wheat industry in the United States. If the farmers engaged in the production of cotton are to be limited to the domestic market, then, of course, they must reduce their production of cotton one-half; and a reduction of one-half would be fatal to the American cotton industry, and, of course, ruinous to the farmers in that section of the country where this is the chief money crop.

I did not hear the reading of the article submitted by the Senator from Utah [Mr. KING]. My attention was diverted; but if any such policy as that indicated by the remarks of the Senator from Florida is now contemplated, and if there is propaganda tending to support that theory, I think it is very, very dangerous to the agricultural interests of this country and, incidentally and directly, to the general welfare of our people. I think it should be met with stern and determined opposition. The consequences of such a policy would be too

far-reaching and too grave to be discussed offhand. I was not aware that from any respectable sources in the United States such propaganda as that was now emanating could spring, and it amazes me to hear that any respectable authority in America, or even any individual of prominence, in industry or outside of industry, should advocate such a course.

Mr. KING. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield to the Senator from Utah.

Mr. KING. The article which I submitted this morning and which was read at the desk was written by Mr. Mark Sullivan, a newspaper man of standing.

Mr. SIMMONS. Let me ask the Senator, is Mr. Sullivan advocating this proposed policy?

Mr. KING. No.

Mr. SIMMONS. Or is he simply chronicling some rumor with reference to it?

Mr. KING. These are his deductions, if I may use that phrase, from facts and information which have come to his attention. He predicates his article upon the report made by the special commission recently appointed by President Coolidge to study agriculture.

Mr. FLETCHER. And also upon the position taken by the Secretary of Commerce, Mr. Hoover, as I understand.

Mr. KING. Yes; and the position taken by the Secretary of Commerce, and statements from manufacturers, and from Mr. Barron in his various newspapers. From all of these sources he deduces the conclusion that it is now the purpose of a large number of people to make America what they call self-contained, and that means the cutting off of our foreign commerce.

Mr. SIMMONS. Does the Senator understand from the article that it is intended that such policy shall apply solely to the products of agriculture, or that it applies to the products of industry generally?

Mr. KING. The products of industry generally; agriculture, and particularly manufactured articles.

Mr. SIMMONS. I can not conceive of a more deadly policy than that, Mr. President.

Mr. KING. If the Senator will pardon me, the writer says:

It is inherent in the policy the Agricultural Commission recommended that the high standard of living in America, both for farmers, etc., be kept secure by a tariff on manufactures sufficient to safeguard America against competition from abroad.

Then he says:

This new policy proposed by the Agricultural Commission looks to two ends. One is that the American farmer should cease to raise more of any commodity than he can sell in America. To many farmers it will come as a startling suggestion that they should cease, for example, to raise wheat for export. The cotton-raising States will be surprised at any advice to ignore the foreign market, but competent judges in Washington say the rest of the world is already tending to buy less and less of the American cotton crop, and to turn for its supply to countries where it can be raised by lower-priced labor.

Then he refers to the fact that the manufacturers are advocating this view, and that Mr. C. W. Barron, the owner of several financial journals, spoke of our protective tariff as one that must be raised and not lowered.

Mr. SIMMONS. If I understand the interpretation which the Senator from Utah places upon the suggestions contained in that article, said to emanate from respectable sources, it would mean that we are to impose upon imports such high duties as practically to exclude them.

Mr. KING. Yes.

Mr. SIMMONS. And that we are to reduce our production in this country to the point of domestic demand.

Mr. KING. Mr. Sullivan's view is that a self-contained country is the goal of the present trend of certain interests and forces in the United States.

Mr. SIMMONS. The establishment of that policy, if it applies to manufactured products, would mean, in the present condition of consolidation and price fixing through trusts, that the manufacturer, having the exclusive American market, and having arranged for a monopoly in that market, could advance his price to any point that he saw fit and that afforded him any profits that his cupidity might seek. As applied to agriculture, it would mean the reduction of the output of that industry probably between one-third and one-half, and that would spell disaster to the vast portion of our population who find their livelihood by tilling the soil. It would be probably the narrowest possible policy that could be proposed to a virile and ambitious nation—a policy of cowardice, stagnation, and disaster. It would be a policy of profound and absolute isolation. Not only would it separate us from the bal-

ance of the world but it would shut off that commercial intercourse between this country and the balance of the world which in the past has been the source of our greatest prosperity, and which in the past has been the cause of the enormous expansion which has taken place in American industry and commerce, and in our amazing growth in power and usefulness.

Mr. President, I can not reconcile such a theory as a national policy with even the instincts and dictation of common sense. I must believe that there is some mistake about it, and that these suggestions upon which Mr. Sullivan bases his discussion can not mean exactly what he interprets them to mean. I read the report of this commission appointed by the President, or rather, such excerpts from the report as found their way into the public prints, and I did not get that meaning from them.

I did draw the inference, however, that the committee was under the impression that in certain lines of industry, especially some lines of agriculture, the production was rather excessive, and that possibly the public welfare might be subserved by a reduction in production along certain lines. That is true where the production is in excess of the local or domestic demand, supplemented by the foreign demand.

We have found that situation existing once or twice in cotton industry. In certain fat years when the farmers produced 16,000,000 bales of cotton and the domestic demand, plus the foreign demand, was not commensurate with that production, the farmers suffered by reason of having to take a very much reduced price because the supply exceeded the world demand.

A suggestion applicable to a condition of that sort may be wise, but when the suggestion is made without reference to the domestic and the world demand of the thing produced, to my mind it is an unreasonable suggestion, and so unreasonable that I do not think it will find serious lodgment in the minds of the intelligent class of people who control our Government and direct its policies.

I did not rise for the purpose of discussing that, however. I arose to make some general observations with reference to the Tariff Commission, and I regret very much that the distinguished chairman of the Finance Committee, charged with the responsibility of tariff legislation, is not in the Chamber.

For many years we debated in the Congress the question of the establishment of a tariff commission. For many years that suggestion met with opposition, serious opposition, mostly, in the first instance I think, coming from the opposite side of the Chamber, some of it coming from this side. At last, after much controversy, the proposition gained favor, but the advocates, as well as the opponents of that proposition, insisted that if a tariff commission were to be established it was essential that the commission should be a bipartisan commission. When the discussion had progressed to that point we heard great demands in this body, which I can recall very vividly, for a bipartisan commission.

What was meant by the expression "bipartisan commission"? The act which we passed by its very terms gave a very significant construction to that expression. As I recall, it provided for a commission of six members, and provided that three of those should be of one of the two major parties in this country and three of the other major party, those parties holding drastically opposing views upon the question of the tariff, not so much as an economic question but as a political question.

For many, many years, certainly ever since the Civil War, there had been a very sharp dividing line between the two parties on the question of the tariff. Therefore we provided for the appointment of an equal number upon this board representative of the two different political views which obtained in the United States upon that question.

Undoubtedly, it was in the mind of everyone who supported the proposition of a bipartisan tariff commission that the membership of that commission should be selected with reference to the views upon that question of the party to which each member belonged; that he should be appointed with reference to his reflecting the views of his party, because if he were appointed without reference to his views upon the tariff, by reason of the fact that some Democrats do not agree altogether with their party upon that question, and some Republicans do not agree altogether with their party upon that question, the division upon the lines of bipartisanship would be broken. I think that was distinctly understood by everyone. No other construction could be placed upon the facts and circumstances which surrounded the creation and the inauguration of this commission. There is no room for doubt.

I do not wish to make any specific charges, but I do think, and I do insist, that the usefulness of this commission depends upon its continuing to be bipartisan, and upon the integrity of

the appointments of members as representatives of the opposing party views upon the tariff question, and whenever we shall fall into those unhappy days when the declared legislative purpose with reference to this institution is disregarded, and when there is an effort to break down its bipartisan character, and when an effort is made to create a commission which will lean the one way or lean the other way in its membership, upon the question of the tariff, then that body will lose its usefulness, it will lose the respect and confidence of the people of this country, and it will become an engine and an instrumentality for the propagation of the views of one party upon that subject, without any reference to the views of the other party. The very essence of this organization, if it is to subserve its purpose, is the maintenance of its bipartisan attitude and character.

We have adopted what is known as the flexible tariff clause. That invests broad and sweeping powers in the President with reference to changes in the written law with regard to import duties. It authorizes him to make changes upon the findings of the Tariff Commission. We made the Tariff Commission distinctly a fact-finding commission, on that account. We did not confer upon them the power of recommendation, as I understand it. We provided that they should gather the facts and submit those facts to the President, in order to enlighten and guide his decision upon the question at issue.

It is exceedingly important that such condition should prevail. The President will not get an impartial finding of facts, but he will get a biased and partisan finding of facts, if this commission is made partisan; if, by virtue of appointments made in violation of the spirit and purpose of the act, it becomes unbalanced and its membership becomes wholly or preponderantly of one view upon the tariff. The President, in such event, instead of getting an unbiased statement of facts from this commission upon the tariff question will get merely a partisan statement of facts.

Mr. BROUSSARD. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Louisiana?

Mr. SIMMONS. I yield.

Mr. BROUSSARD. The Senator will recall that last year when this amendment was agreed to there was quite a good deal of discussion about it. How could the Senator expect a nonpartisan finding to be gotten from the Tariff Commission if, under this provision, one of the members of the Tariff Commission could be forced to recuse himself, no provision being made to establish the equilibrium between the two parties and the two theories on the tariff question?

Mr. SIMMONS. Mr. President, that is as far as we could go at that time, but the purpose and intent was to prevent a man sitting upon that commission and giving the President the benefit of a statement of fact when it was known that his personal interest, his pecuniary concern in the matter was so great as to move him inevitably to deviate from the lines of accuracy and to make findings possibly predicated somewhat upon his interest rather than predicated upon the actual conditions in the industry. Such a man should not have been placed upon the commission, and for the very reason that a man who differs with his party upon the question of tariff should not be appointed as a representative of that party upon this commission.

Mr. BROUSSARD. If the Senator will allow me to just set myself straight, I am not objecting to the contention of the Senator that one having an interest, direct or indirect, should not sit upon a case. My objection at the time to this provision was that the act should have provided for some one else taking the place of any man so disqualified, in order to maintain the equilibrium.

Mr. KING rose.

Mr. SIMMONS. I think that would be a better solution of the question; but that solution was not open to us, because we can not appoint. The President alone can appoint and the President alone can remove. We could not reach the matter in any other way than as we did.

The motive and the purpose of this proviso is the same as the motive and the purpose I have in mind in insisting that these men who are appointed shall be selected with this in mind, that they represent on the tariff question the orthodox views of the party to which they are charged and to which they belong.

Does the Senator from Utah want to interrupt?

Mr. KING. No; I was merely intensely interested in what the Senator was saying. I did not rise to interrupt him.

Mr. SIMMONS. I am gratified by the able Senator's interest. So far from impairing the force of the argument I was making, what the Senator from Louisiana has said really strengthens it. It shows that Congress desires, as far as it can, to maintain the integrity of the commission and to secure its proper func-



tioning according to the intent of Congress, and that anything, even personal interest, that might cause a member of that body to deviate from the line of duty, namely, the finding of facts as they are, is a disqualifying fact and circumstance.

Mr. President, the best institutions of men are subverted sometimes by small encroachments upon the agencies of government, the activities of government, slight deviations in the first instance from the line of strict adherence to the purposes of the law and the objects of the institution. This organization can be destroyed, its usefulness can be undermined by a misuse of the power of appointment or by carelessness and indifference in the selection of the men who are appointed, because it is intended to be a body that shall reflect and represent the sentiments of the two great political parties upon a question that divides the 110,000,000 people of the United States. That theory lies at its very foundation. Undoubtedly there has been propaganda in the country—open, brazen, undisguised propaganda—to undermine and destroy the institution as an aid in the enforcement of the administration of our tariff laws and to bring it into disrepute by destroying the bipartisan character with which we originally clothed it; this propaganda being directed to the selection of members of the body who reflected not the sentiment of the party they were appointed to represent, but who reflected the sentiment, at least in part, of the opposition party upon the question.

I say the propaganda has been open and brazen. A few weeks ago, on January 13, I read in the Senate an editorial from the Washington Post commenting upon a certain letter alleged to have been somewhat extensively distributed among certain classes in the country advocating the appointment by the President to membership upon this commission of Democrats known to favor a protective tariff. That letter was referred to in terms of unqualified condemnation in the editorial which I read from the Washington Post. The editorial did not contain the letter referred to. I happened to have in my possession a copy of the letter that had been given to me. It was a letter issued by some branch organization of the Protective Tariff League or some organization in some way associated with the Protective Tariff League.

The letter purported upon its face to have been addressed to 100 well-selected Democrats, as I understood it, but who were "protectionist Democrats," Democrats who, while affiliating with that party, did not agree with its views upon the tariff. It was addressed to them, advocating efforts to procure the appointment by the President of the United States to fill prospective vacancies upon the Tariff Commission of Democrats who entertain the Republican theory of the tariff and who in their action upon that commission would reflect the views of the Republican Party upon that question instead of the views of the Democratic Party. The letter will be found in the Record of January 13, 1925, at page 1722.

The letter not only urged that such be done but it stated that they were inaugurating a wide publicity for the purpose of securing these appointments by the President in this way with a view of making the Tariff Commission a protective tariff commission, with a view of having a commission every member of which would entertain the views of the Republican Party upon the question of a tariff. It went further than that. It said that the propaganda if properly conducted, conducted so that they might indulge the reasonable hope of fruition and ultimate success, would require a large sum of money, and requested the recipients of the letters to mail at once to the organization checks for \$100 each to finance the movement to convert this bipartisan body into an adjunct of the protective tariff organization. For what purpose and with what view? The letter I think will explain itself upon that point.

The President now is invested with a broad power covered by a section of our present tariff law. The President now has the power to increase or to reduce, to the extent of 50 per cent, any tariff rate that the Congress may impose. If the President does that, however, he first must have a report from the Tariff Commission finding the facts to justify the reduction or to justify the increase. Therefore the argument which ran through the propaganda; therefore the argument that if a change can be secured from the original purpose and intent so that the Tariff Commission may be composed only of persons who believe in protection as interpreted and administered by the Republican Party, the President will get the facts from that body of protectionists, and of course it is expected that the coloring of those facts would reflect the Republican theory of protection.

Of course it is a very ambitious scheme, and attractive to those beneficiaries who want the tariff reformed upward. It is an ambitious scheme, and a promising one to those who want tariff duties higher than the Congress has been willing

to grant. If it can succeed it will not only bring into discredit the Tariff Commission, it will not only undermine and destroy the principle upon which the commission is based, it will not only destroy the value which we had desired to give to these finders of fact, it will not only prevent enforcement of that act as intended by the Congress, but will absolutely prevent the presentation to the President of both sides of the question, the views of those who adhere to the protective theory, the views of those who adhere to the Democratic idea of a purely competitive tariff for revenue. The President is supposed, and is able to weigh the facts presented by both sides of the controversy, presented by the plaintiff and presented by the defendant in this contention, and, like a judge sitting upon the bench, reach an impartial decision as may be. To have those facts presented to him by those who have but one view upon the subject would be subject to the imputation and the suspicion at least of having their statement of the facts distorted by their views as to the policy which should be pursued with reference to the subject matter.

Mr. President, not only that, but the country would feel, if the President lent himself to this scheme, that he was not dealing fairly with it, was not dealing squarely with it when it, trusting to his fairness, enacted legislation investing him with this broad and sweeping power with reference to the tariff, involving in many instances the life of industry, and the country's prosperity.

When we clothed the President with this great authority we imposed upon him a condition precedent to its exercise. It was a power never before delegated by a Congress to any human being, a power which was characterized here as not only exceptional, but dangerous, which probably never would have been granted to him but for the condition precedent to its exercise, that he should submit each question for finding and report to the Tariff Commission, composed of six members, three entertaining the views of one of the major parties of the country and the other three entertaining the views of the other major party of the country upon this vital question and policy, and that he should withhold action until he received from them a statement and a finding not with reference to the policy, but with reference to the facts concerning the disputed question upon which the President would be called to exercise this tremendous grant of legislative power.

Mr. President, the President could not impair the bipartisan character of the Tariff Commission without imperiling the confidence of the country in his action upon questions arising under the flexible provisions of the tariff. The President will not, in my judgment, cooperate in any such movement, whether originating with the protected industries of the United States or originating with tariff protective leagues, and thus destroy the equilibrium provided by the Congress, and in destroying that make of no effect conditions that were imposed when we gave him the power to receive reports and findings of fact from this institution, preserved and maintained in its integrity as written in the law.

I have heard reports that I would not wish, Mr. President, to repeat here; reports of deliberately planned efforts on the part of certain interests to pervert and prostitute this board for purely partisan purposes or for purposes of subserving some particular interests. They have endeavored, it is said, to induce Democratic members of the board or members of the board who are not in harmony with the views of such protected interests upon certain questions in specific instances, although they might be Republicans, to take something better, to seek higher positions, with some sort of assurances of aid in getting such higher positions, with a view to creating vacancies on the Tariff Commission which might be filled by some individual known to be in sympathy with these special interests on the question of tariff or in sympathy with the particular views of the parties interested in asking for increases in duties.

I have heard all of that. I do not credit it, Mr. President; I can not credit it. It is contrary to the integrity of the parties who enacted this legislation. It is so contrary to my conception of the dignity of the President of the United States and his high office and his fixed purpose to administer his great office in strict conformance with the law and with the principles of right and justice that I know that any such plans can not be consummated. Of course, such a plan can not be consummated, because it would require the help of the President; nor can I believe that the Republican Party will sanction any such movement, from whatever source it may originate and for whatever purpose it may be inaugurated.

I have heard, too, that efforts were to be made to prevent the reappointment of Democrats upon that board because they would not agree with their associates in the finding of facts

with reference to some industry that was opposing any reduction in tariff duties. I have heard that efforts were being made to bring about the removal of a certain member of the board with the expressed purpose of supplanting him with a protectionist, and not only with a protectionist, Mr. President, but probably a protectionist who agreed with reference to a particular item of the tariff act with certain other members of the board.

I do not, Mr. President, believe that these things will be consummated. I do not believe that they have any lodgment in the mind of the responsible leaders of the Republican Party or of the administration; but this is a propaganda that ought to be frowned upon and nipped in the bud. It is a propaganda that strikes at the very root and heart of important legislation of vital interest to the country. The propaganda can not be killed too soon. It should be denounced in unmeasured and unqualified terms from every forum that believes in and desires to see preserved the integrity of every branch of the Government.

I arose, Mr. President, to give utterance to these thoughts, and without any reflection upon the line that I would pursue, for before I took the floor I did not expect to speak five minutes. I have taken advantage of this occasion, because it probably is an opportune occasion for the purpose, of expressing these sentiments. I hope that this unholy propaganda may be nipped in the bud and that every man who believes in the integrity of this Government and who believes in carrying out the laws of the land and keeping faith may at every opportunity express his displeasure and place upon this scheme the seal of his righteous indignation.

#### APPROPRIATIONS FOR THE STATE AND OTHER DEPARTMENTS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11753) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1926, and for other purposes, requesting a conference with the Senate on the disagreeing votes of the two Houses, and announcing the appointment of conferees on the part of the House.

Mr. JONES of Washington. I move the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and Mr. JONES of Washington, Mr. SMOOT, Mr. SPENCER, Mr. OVERMAN, and Mr. HARRIS were appointed conferees on the part of the Senate.

#### INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes.

#### TARIFF DUTY ON WOOL

Mr. WALSH of Massachusetts. Mr. President, I have received an interesting statement showing the financial burdens to the consumers of wool resulting from the specific duty of 31 cents per pound under the Fordney-McCumber tariff law, which I ask to have printed in the Record. It is published by the Carded Woolen Manufacturers' Association and shows some actual burdens resulting from the specific duty collected on wool since the enactment of the Fordney-McCumber tariff law. It was prepared from reports made by the Boston branch of the United States Bureau of Agricultural Economics of the Department of Agriculture. This branch of the Agriculture Department reports from time to time the amount of wool that is imported into this country, its weight by lots, and the invoice value of such wool. From these figures of the weight and the value of the wool imported, the Carded Woolen Manufacturers' Association have made certain deductions. They show what the specific duty of 31 cents per pound upon wool really represents to the public when translated into an ad valorem duty. The figures are astounding. The information proves what was urged would be the consequences at the time the high specific rate upon wool was sharply opposed during the debate in the Senate in 1923. I will read from this statement a few facts and comment upon them very briefly.

The figures as to imports of wool were collected from reports made at Boston and Philadelphia, which are the leading wool markets of our country. They show that the estimated clean weight of wool and mohair used for clothing that came into this country since the passage of the Fordney-McCumber

tariff law on September 15, 1923, to January 3, 1923, was 75,202,356 pounds. The statistics do not cover carpet wool, which is admitted free.

The average price per estimated clean pound of wool is found from these figures to be 70.8 cents.

The extreme variations of price per estimated clean pound extended from 16.2 cents to \$1.70 a pound.

The total value of the wool that has come in during this period was \$53,207,261.

The duty collected by the United States Government at 31 cents per estimated clean pound was \$23,312,730.

Please note these figures, Mr. President; the invoice value of the wool was \$53,000,000 and the duty collected, which has been added, of course, to the consumer's price, was nearly one-half of that amount, to wit, \$23,000,000.

The ad valorem equivalent of this 31-cent duty upon all these imports is 43.8 per cent. But the most interesting figures of all are those that show the extreme variations of this specific duty when translated into an ad valorem rate. These extreme variations extend from 18 per cent to 191 per cent.

Mr. President, I want to call special attention to the fact that the present specific wool duty of 31 cents per pound is compelling the poor people of America, who must buy wool of inferior quality when used in their clothing, in their sweaters, in their woolen overcoats, in their blankets, and as underwear, to pay the enormous tax of 191 per cent as a maximum. Those who can afford to buy and use the high-priced wool, the finest quality of wool, pay a tax reaching as low as 18 per cent of its invoice value. How can we justify the imposition upon our people of tax burdens that penalize poverty and discriminate so unfairly upon those of limited financial resources? That places the most extreme tax burden upon those who toil and labor on the farms and in our industries, and who must buy the cheapest clothing and the cheapest underwear because of their reduced incomes and small wages?

These figures show what a nefarious fraud it is upon the American people to levy a specific tariff duty upon wool. This specific duty is misleading, a deception on the public. If an ad valorem duty had been placed in the present tariff law, no Senator would dare to vote for a maximum tariff rate of 190 per cent upon the wool of the poor; and yet that is what these figures show is the result of the operations of this specific duty of 31 cents per pound.

How are you going to justify it? It can not be justified. Let us at least show how such specific duties as this on wool make for favoritism, discrimination, and deception plays in shaping our tariff legislation.

Why not be honest with our people? Why not tell them the whole truth? How few know, when they go to buy a suit of woolen clothes or a woolen blanket, that their Government has levied a duty for the benefit of a few woolgrowers, reaching in extreme cases to 190 per cent upon the price of the wool that is contained in their clothing, their blankets, and their underwear?

Mr. President, I protest again against this specific duty on wool because it does not disclose the exact results in increased costs to the American people, and because it is not taxing but extorting from our people, increasing prices for their woolen garments and merchandise that are indefensible. This whole record shows what an outrage and scandal it was to fix this duty at 31 cents per pound and to make it a specific rather than an ad valorem rate. The public will never know the tremendous increase in the price of the finished woolen products because of this excessive rate on raw wool.

I suppose it will do little good to protest. I suppose our people must continue to bear this burden—a burden placed upon millions of poor people for the benefit of a few. It is only one of the many iniquities and unjust tax burdens contained in the present tariff law. This wool rate, however, is the most shocking of all. I can not conceive of the American people supporting a political party that would levy such a burden upon them if they could get the actual information. It is doubtful if the public can get the facts, because these specially privileged interests that formulate and influence tariff legislation unfortunately control many of the channels of information and of publicity, so that such facts as this statement contains are not within reach of many people. If there is any one thing that is more threatening than another to the perpetuity and the security of our Government, it is the possibility that all of the sources of information in this country may in time be owned and so controlled and manipulated by these privilege seekers and beneficiaries of discriminatory tariff laws that the millions of unprotected and unorganized consumers will be unable to get the truth about the vital affairs of their own Government.



I ask, Mr. President, that this statement may be printed in the RECORD. I hope its startling information may arouse some public sentiment that will lead to the repeal of this duty of 31 cents per pound on wool.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The statement is as follows:

THE FORDNEY-M'CUMBER DUTY COLLECTED ON WOOL—A STATEMENT BY THE CARDED WOOLEN MANUFACTURERS' ASSOCIATION, BOSTON, MASS., FEBRUARY 5, 1925

The only information accessible to the public as to the duty actually collected on wool and mohair from week to week is the report of wool imports at Boston and Philadelphia, issued by the Boston branch of the United States Bureau of Agricultural Economics, Department of Agriculture. This report gives the invoice value of each lot of wool and the clean weight as estimated by the appraisers and importers, and on which the 31-cent specific duty is assessed. From these weights and values the Carded Woolen Manufacturers' Association has calculated the value per clean pound and the ad valorem equivalent of the 31-cent rate for each lot since the reports began to appear on September 15, 1923.

As Boston and Philadelphia are the chief ports of entry for wool, these statistics cover the bulk of the wool brought into the United States and reveal accurately the actual proportions of the Fordney-McCumber duty on wool and mohair used for clothing, as distinguished from carpet wool, which is admitted free of duty. The table below gives the figures for the Boston and Philadelphia imports from September 15, 1923, to January 3, 1925.

The estimated clean weight was 75,202,356 pounds, and the invoice price per pound varied from 16.2 cents to 170.4 cents.

As the 31 cents is assessed on all kinds of wool for clothing regardless of the price, it follows that the ad valorem equivalent of the 31-cent duty varied from 18.2 per cent on the highest-priced wool (170.4 cents per pound) to 191.3 per cent on the lowest-priced wool (16.2 cents per pound).

Between these extremes every possible price per pound is to be found, the ad valorem tariff tax being lowest on the highest-priced wool and increasing as the price decreases until the highest ad valorem duty is reached on the lowest-priced wool.

The total value of the wool imported was \$53,207,261 on which a total duty of \$23,312,739 was collected, making the average ad valorem equivalent of the wool duty 43.8 per cent for the entire period.

Imports of wool at Boston and Philadelphia from September 15, 1923, to January 3, 1925

Estimated clean weight.....	pounds.....	75, 202, 356
Average price per estimated clean pound.....	cents.....	70. 8
Extreme variations of prices per estimated clean pound.....	cents.....	16.2 to 170.4
Total value of wool.....		\$53, 207, 261
Duty collected at 31 cents per estimated clean pound.....		\$23, 312, 739
Ad valorem equivalent of 31-cent duty.....	per cent.....	43. 8
Extreme variations of ad valorem.....	do.....	18.2 to 191.3

Mr. JONES of New Mexico. Mr. President, I feel that I should say just a word at this time regarding the Tariff Commission.

There is not any question but that there are many rates in the present tariff law which work a very great injustice. Following up the statement just made by my colleagues upon the Finance Committee from the State of Massachusetts [Mr. WALSH] with reference to the tariff on wool, I might make this further observation.

While the tariff upon the clean content is 31 cents a pound, the compensatory duty is much greater in proportion. That compensatory duty is much greater than is necessary to provide for any shrinkage of the wool in manufacture, and, of course, the manufacturer gets the full benefit of that excess. It is recognized that that compensatory duty is far beyond the mere compensating for the tariff upon raw wool; and, in addition to that, after the compensatory duty is allowed there is then permitted also on a pure-wool fabric an additional duty of 50 per cent, which means 50 per cent on the combined cost of the raw material, the labor, and every element that enters into the cost of manufacture of the commodity abroad. I do not believe that anyone who is conversant with the facts in the case believes that that 50 per cent additional duty is necessary to equalize the difference in the cost of production at home and abroad.

The flexible provisions of the tariff law provide an iron-clad rule that the President is authorized to modify the duty after first ascertaining the cost of production at home and the cost of production abroad. That is the only basis upon which the President has any authority to act. In addition to that it is provided that the Tariff Commission shall ascertain these differences in cost and report the facts to the President, and upon the facts presented the President is authorized to act.

It must be apparent that there are very few commodities as to which the difference in cost can be ascertained. I think by referring to just a few of them the point will be demonstrated. Take the very first item in the tariff law. I submit that the man does not live who can say that he has ascertained the cost of production of acetic acid, either in the United States or anywhere else. Acetic acid is one of three products of the same process. In manufacturing acetic acid alcohol and charcoal are also manufactured. No one can tell what it costs to manufacture the acetic acid as a distinct commodity. No one can tell what it costs to produce the wood alcohol as a distinct commodity, nor can anyone say what it is that the charcoal production has cost. There must be an arbitrary allocation of the costs of production.

We have a tariff upon cottonseed. We do not have a tariff upon cotton, and I should like to know who is willing to say that he knows the cost of production of cotton. Yet we have a tariff upon cottonseed.

The Senator has referred to wool. We have some very excellent sheepmen members of this body. I submit that not one of them can tell what it costs to produce wool. Nor can anyone tell what it costs to produce mutton. There must be an arbitrary allocation of costs. The costs can not be proven by mathematics or through the ascertainment of any given fact.

About a year ago, I think, the President of the United States increased the tariff upon wheat. The Tariff Commission undertook to state the difference between the cost of producing in the United States and in Canada. The man does not live who can say with any degree of certainty what it costs to produce wheat in the United States or what it costs to produce wheat in Canada.

To mention one element which the Tariff Commission used in ascertaining the difference of cost will fully illustrate the problem. In that ascertainment by the Tariff Commission the cost of producing wheat in Canada was put upon the basis of 20 bushels to the acre, and I think it was 13 bushels of wheat to the acre in the United States. Just the next year the picture was turned. There was a drought in Canada, and Canada produced only about 12 or 13 bushels of wheat to the acre, but in the United States we produced between 15 and 20.

Moreover, as to the other factors of cost, in one section of the United States last year the production of wheat was only about 10 bushels to the acre. In some sections it was not sufficient to justify the harvest. In other sections it was extraordinarily large, 20 to 30 bushels, and in some cases 40 bushels, to the acre. Who is going to say what the production per acre in the United States is under those circumstances? Undoubtedly in Canada there was the same variation. Some growers produced a certain number of bushels to the acre, others very much more per acre. Then who is going to say what the cost of production of wheat in the United States is?

Are we to take the average cost? Are we to take the highest and the lowest costs, or are we to ascertain the number of bushels produced at one price and the number of bushels at another, and then take an average? The flexible provision of the tariff law does not provide for either method. It simply says that there shall be ascertained the difference in the cost of production at home and abroad, and nobody can say what either one of those costs of production is. One may find out in different ways the average cost; he may say that 10 per cent of the article is produced at one cost and 75 per cent at another cost; but nobody can say what the cost of production is of any such commodity as I have mentioned.

The same may be said with reference to articles of manufacture. I submit that it will be found that no two manufacturers produce the same article at the same price. We may ascertain in the United States the figure at which a given concern produces, but where is to be fixed that theoretical, imaginative thing called "the cost of production" of the entire article in the United States?

That would be the result of the inquiry here, where we can get at the books of the concern, where we can find the exact cost of labor and capital, where we can determine the cost of the machinery, where we can get at the various details; but how different the picture must be when we undertake to go abroad and ascertain the cost of production there. The truth is, you can not find even the factors in the cost of production abroad. Our agents and representatives have been handicapped, have been obstructed in every attempt to ascertain the foreign costs of production. The concerns over there know that the very purpose of our trying to get at their costs is to enable us to build up a greater tariff against their commodities, and they are unwilling to open their books and to give the facts to our representatives, to let our representatives have the means of ascertaining what the facts are, because

they know that the very purpose of our getting the facts is to build up a higher tariff wall against them. But, of course, the other well-known reason is that they do not want to make public the secrets of the processes and methods of their operation.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. JONES of New Mexico. I yield.

Mr. KING. I did not hear the first part of the Senator's statement, but what he is saying is exceedingly interesting. As I understood him, he said that the Tariff Commission takes the position that it may not require manufacturers, and others who are the beneficiaries of the tariff, even though the latter are seeking under the flexible provision of the law an increase in their rates, to open their books; that such people are denying the commission the opportunity to examine their books in order to ascertain what their costs are.

Mr. JONES of New Mexico. Absolutely.

Mr. KING. I am interested in that, for the reason that I was told that quite recently a corporation sought to increase the rate on an article which it was producing—and they are already very high—and there was a controversy between them and the Tariff Commission. Finally, the Tariff Commission decided they would require the production of the books in order to enable them to find out what the costs were, and the matter went into court. I have not heard what the decision was. I did hear, however, that the writ of mandate was denied upon the ground that it was discretionary with the corporation, that the commission could not compel them to produce their books. Therefore the Tariff Commission is compelled to decide upon their ipse dixit as to what the rate shall be, without being able to get the facts to justify the unsupported testimony of those seeking an increase in rates.

Mr. JONES of New Mexico. If I understand the present activities of the Tariff Commission, I think we might just as well not make any appropriation for it. There is some work going on over there which I think is quite valuable, but I understand that the Tariff Commissioners themselves have been devoting all of their time to a study of subjects on which the President has called for reports under the flexible provisions of the tariff act. If that is to continue, we might as well abolish the Tariff Commission, because that provision in the present tariff law is absolutely inoperative, in my judgment, if the language of the law is carried into effect. It is impossible of application.

I hope the country will come to understand that matter. I remember soon after that provision was put into law I was attending a tariff congress in the city of Denver. The West was very much alarmed because of the flexible provisions in the tariff act. I assured them that in my humble judgment there was no cause for alarm, because if the President followed the law he could not apply it to the business interests of the country. He has acted in one or two instances, but I submit to any practical man whether he has applied the law or not. The law says that the difference in the cost of production at home and abroad shall be the only measure of activity for reduction or increase. I submit that as to wheat and the other commodities on which the President has acted no man can ascertain the difference in cost of production at home and abroad, or even the cost of production in either one of the places. There is a variation which appears to everyone.

The question of sugar is now discussed all over the country. The cost of the production of sugar has been inquired into and it is found that it has varied from a reasonable amount up to 250 per cent greater in amount. We know that sugar beets on one farm will be produced for very much less than sugar beets on another farm, even though the farms may adjoin. We know that the saccharin content of the beet varies from farm to farm. Then who will assume to say that such and such is the cost of production of sugar in the United States?

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. JONES of New Mexico. Certainly.

Mr. ROBINSON. Has any action been taken by the Executive under the flexible provision of the tariff law with respect to the tariff on sugar?

Mr. JONES of New Mexico. I understand not.

Mr. ROBINSON. It is well known that the proceeding was concluded something more than six months ago in that particular. The information derived by the proceeding has never been made public. There is a resolution on the table, which has been lying there for some time, calling for that information and supplying it to the Committee on Finance,

which I assume contemplates its publication. Does the Senator now feel, in view of the importance of this controversy, that at an opportune time consideration should be given to the resolution?

Mr. JONES of New Mexico. I think it is highly important. I think it is highly important not only for the benefit of the Congress who will necessarily deal with the subject, but I think the country at large should understand just what the Tariff Commission is called upon to do under the flexible provision of the present tariff law.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. Certainly.

Mr. WALSH of Massachusetts. I wish to ask the Senator from Arkansas if it is not a fact, as we are informed by statements in the press and otherwise, that a majority of the Tariff Commission have actually recommended to the President a reduction of the tariff on sugar?

Mr. ROBINSON. That has been so frequently and repeatedly stated, and received no contradiction, that I have accepted it as a fact.

Mr. JONES of New Mexico. With respect to the particular commodity sugar, I have mentioned the fact of the variation in the cost of production of beet sugar in the United States—that is, sufficiently so that the mind can understand the situation as it actually is. But how much more difficult it is when we come to the foreign cost of production. A few years ago I happened to be in the Hawaiian Islands, where they were producing sugar. In some sections of the island of Oahu there is rain every day, and sugar is produced with ample rainfall and without any cost for irrigation. On the opposite side of the island there is an extreme drouth all the time, with substantially no precipitation. There they have produced sugar by pumping water. In some cases they only pump a few feet, and in other cases I am told they pump as much as 700 feet. Who is going to say what is the cost of the production of sugar there?

I do not blame the President for not acting on the sugar-tariff question. I do not know what the Tariff Commission has reported to him, but I do know that the Tariff Commission could not make any report to him which would furnish him a basis for applying the flexible provision of the tariff act. I understand that they have undertaken to say what the difference is in the cost of production. I am unwilling to concede that there is a technical expert unembodied mind which can say what the cost of production is when it varies. The most that the Tariff Commission ought to report and can report is that the cost of production varies. If they have ample means they can ascertain how much it costs to produce the first 10 per cent, how much possibly for the next 10 per cent, and so on down; but where is the expert mind or any other mind that can sit upon the witness stand and say that \$1.25 is the difference in the cost of production?

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. Certainly.

Mr. SMOOT. In this connection the Senator also ought to include for what year they have stated the cost of production, or for what period of time, because in an examination of the matter there is no question of a doubt that there is as much as 50 per cent variation in the periods of time which may be selected.

Mr. JONES of New Mexico. I will say to the Senator that I entirely agree with him, and I used that illustration with regard to wheat earlier in my remarks. In the year 1923 Canada produced about 20 bushels of wheat to the acre. This year Canada did not produce 10 bushels of wheat to the acre on the average. So we have not only a variation in each year, but we have a variation from year to year. There is absolutely no way of making the law applicable to business affairs in the production of commodities either from the soil or from the factory. The same principle obtains.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I am glad to yield to the Senator from Arkansas.

Mr. ROBINSON. Is it not the primary effect of the flexible provision of the tariff act to give the Executive power to determine conclusively the question of the cost of production, and having made the determination to reduce or lower the rate within the limitation of 50 per cent without substantially any form of appeal from any transaction? In other words, if the executive branch finds that a state of facts, from any evidence whatsoever submitted, justifies raising the rates or lowering it, his finding is conclusive. There is no way to go into the correctness of his finding or to determine the question of a preponderance of the evidence. When the Executive finds



that the circumstances justify the lowering of a rate, his finding is to all intents and purposes conclusive, and when he finds that the circumstances justify the raising of a rate the same is true.

Mr. JONES of New Mexico. Undoubtedly.

Mr. ROBINSON. So the Executive can do what he pleases in the matter and in that way make the law.

Mr. JONES of New Mexico. That is the assumption of the administration, but I have often wondered whether under certain circumstances that action of the President could not be reviewed by the courts of the country. In the case of the cost of the production of wheat I think the courts would take judicial notice of the fact that all wheat is not produced at any one given price for any given amount; that the President, in fixing a specific amount as the cost, must have used some discretion, and that it was not a fact which could be definitely ascertained except either by arbitrary action or by using discretion in excluding certain factors and including others which ought not to have been included. I believe that the courts ought to be called upon to review this provision of the law and give us to understand whether or not it is giving away legislative power by the Congress and conferring it upon the executive branch of the Government.

Mr. BROUSSARD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Louisiana?

Mr. JONES of New Mexico. I yield.

Mr. BROUSSARD. I think the Senator from New Mexico will remember that the Senate voted out that provision in the bill upon a record vote, and that we got the flexible provision in conference, the House insisting upon it, but that it was the judgment of the Senate that this power of the Congress should not be delegated to any other body, and especially in view of the fact that we are vesting discretion when we delegate those powers to the President of the United States.

Mr. JONES of New Mexico. The Senator from Louisiana will doubtless recall that it was argued upon the floor of the Senate at the time that such a provision was contrary to the mandates of the Constitution. I believed it then and I believe it now. In a proper case I believe that the courts would have jurisdiction to review the action of the President in undertaking to enforce it, and I should like very much if somebody interested in some industry where the case is plain would institute a proceeding in court to test the validity of that provision of the act.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. JONES of New Mexico. Certainly.

Mr. KING. I always hesitate to express any opinion at variance with the views of the able Senator from New Mexico, because he is a sound legislator and a great lawyer. I venture to suggest to him, however, assuming the constitutionality of the act, that if we give to the President of the United States the discretion or the power to review the facts which may be submitted to him by the Tariff Commission and give to him the power then to fix the tariff rates, whether he thinks that would be subject to review? It strikes me that if there is a scintilla of evidence, using the lawyer's expression and giving it its legalistic interpretation, no court would have the power of review. Then when we challenge particularly the executive power of the Government and the President of the United States, I am inclined to think that no court would go contrary to the view which he had expressed and the finding which the President made, and the load which he would rivet upon the unfortunate backs of the taxpayers of the Nation by the increased rates.

I am assuming there is a scintilla of evidence. If there is absolutely no evidence, it is barely possible that the court might then say the President had erred, and yet I am afraid, assuming the constitutionality of the act, that if we commit to him the power which we have in that act, his findings may be at variance not only with the preponderance of the evidence, as stated by our able leader, but if there was no evidence to support the findings, I am afraid that no court would challenge his findings, and they would say he was entitled to use information and his own knowledge and the deductions which he drew from the testimony, though there was no specific statement of the facts which would warrant the conclusion which he had announced.

Mr. SIMMONS. I think the Senator from Utah is absolutely right in his contention that this power invested in the President is arbitrary, notwithstanding he can not exercise it until he has had the findings of fact by the commission. There is nothing in the law, however, that requires him to find any part of the facts or give any reasons for his decision.

His power to decide and determine a question is plenary and absolute. He simply must have this information before he proceeds, but he is not, like a jury, compelled to weigh and determine the weight of the evidence. It is his conclusion that prevails.

The only possible attack upon the findings of the President in one of these proceedings would be upon the ground of the unconstitutionality of the act. Of course, if the act is unconstitutional, then whatever the President may do in pursuance of it is tainted with that infirmity. That is the only way in which, I think, any citizen of this country can successfully assert any remedy for relief against the action of the President in determining the question of whether a rate shall be raised or shall be reduced.

Mr. JONES of New Mexico. The point which I was trying to present was just that—whether or not the act itself was in conformity with the Constitution.

Mr. KING. I think its constitutionality may be challenged, Mr. President.

Mr. JONES of New Mexico. And it was that question alone that I suggested might be challenged in the courts. It is one that I should like very much to see challenged in the courts, so as to have an expression of opinion upon it from the Supreme Court of the United States. It is apparent from the language of the act itself that no one can ascertain, except in an arbitrary way, the very facts which are the foundation for activity under the act. However, I do not care to argue that question here now. It was argued quite extensively by different Senators at the time the provision was under discussion in the Senate and at the time it was enacted into law.

There is, however, a great work for a Tariff Commission to perform. As I have stated, under the present law I think the Tariff Commission has frittered away its time and the money of the people; I do not believe that it is serving any useful purpose; but there is a great work which the Tariff Commission should perform. A Tariff Commission operating along proper lines has no more urgent or earnest supporter than am I. I am willing not only to give the Tariff Commission the \$700,000 provided for in this bill but twice that much if it can be used in a proper way; but if we are going on as we are now we might as well take most of these hundreds of thousands of dollars and consign them to the Potomac River.

There is much that a tariff commission can do and which it ought to do. I discussed that fully when we had the present tariff law under consideration. I then said I thought the tariff law ought to be framed without any thought that the prosperity of the industries of the country should be taken into consideration. I would not by law seriously injure a single legitimate industry, but I do not want, through taxation, to put it in the power of any individual concern merely to levy tribute upon the masses of the people. We ought to have the facts, for if there was ever a time in our history when the Congress and the people ought to know the facts, this is the time.

As I previously stated, in my humble judgment, we are approaching a period in our financial and economic history when people must give consideration to the subject of our foreign commerce. I should like again to call attention to the fact that the remainder of the world is indebted to the United States to-day in about the sum of \$20,000,000,000. Last year we extended credits to foreign governments and their nationals in the amount of about one and a half billion dollars. It has been those credits which have bolstered up and kept going the foreign commerce of this country. We have been producing our wheat, our cotton, our copper, our farming implements, and various manufactured commodities and sending them abroad and getting in return nothing but slips of paper. How long will it be until this country will become saturated with this foreign paper? When that time shall come our foreign commerce is going to be greatly decreased.

The necessities of foreign peoples after the war were recognized; it was essential for them to import foodstuffs and other commodities from the outside world in order to live. They have managed in every conceivable way to purchase in the United States the commodities which they must have; but they are becoming rehabilitated, and the farmers abroad are now producing the things with which to feed their own peoples. They are gradually gathering in the materials for clothing; they are gradually gathering in the metals for their various manufactures and electrical supplies, and they are not getting a dollar's worth from us which they can possibly do without. The only way they are getting that which they do purchase from us is by our taking their slips of paper and they taking our wheat and other commodities.

The man on the street may say, "We are getting their gold; why not sell for money?" The truth is we have over half the



gold in all the world to-day, and if we were to rake and scrape the bottom of the treasuries of the world and secure all the gold that is used as money and bring it over here, it would not be one-fourth of the present indebtedness of other nations of the world to the United States.

I sincerely hope that the business men of this country will not only realize what I am saying, but that they will be honest enough to tell the people of the United States what it means and let them understand the responsibility of those who would fasten upon our people the present system.

International trade, in its last analysis, means and can only mean an exchange of commodities. The Senator from Massachusetts [Mr. WALSH] referred to the high rate of 190 per cent upon some woolen goods. I have upon my desk in my office now a little pamphlet issued by the Tariff Commission about a year ago giving a sample of a hundred different kinds of cotton cloths and figuring out the rate of the tariff duty upon those finer cotton cloths. What did the figures disclose? Senators will recall the old Payne-Aldrich Act, which became a stench in the nostrils of the people of this country; and yet the Tariff Commission reported that under the last tariff law the rate of duty upon those cotton cloths averaged from 10 per cent up to over 500 per cent higher than the similar rates under the Payne-Aldrich law. I figured up the average rate and ascertained that it was 151.2 per cent higher than the average rate under the old Payne-Aldrich law.

Mr. President, the time has come when our Department of Commerce should be devoting at least half of its time to finding markets in the United States for foreign commodities, finding commodities which could be brought into this country, which our people want and which would not materially interfere with legitimate industries in the United States.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Florida?

Mr. JONES of New Mexico. I yield to the Senator.

Mr. FLETCHER. Does the Senator believe that might be a means of broadening markets for our commodities and enabling us to find markets elsewhere for some of our surplus products, and would the Senator favor that? I call attention to an article by Mr. Arthur Sears Henning, appearing in the Chicago Tribune of February 8, as follows:

WASHINGTON, D. C., February 7 (special).—President Coolidge is formulating a national agricultural policy which he believes will reverse the drooping fortunes of the husbandman and stabilize the farm industry on a permanent plan of increased profit. The fundamental principle of his policy is that agriculture shall be self-sustaining so far as the production and consumption of food and clothing are concerned. On the one hand, we shall cease to export farm products, raising no more than we consume at home; and, on the other hand, we shall raise those farm products which we import, so that we shall cease to be dependent on foreign products.

In other words, a policy of isolation and self-containment.

Mr. JONES of New Mexico. Mr. President, just the other day the President sent to the Senate, and I suppose to the other House of Congress, some recommendations of the present agricultural commission which he has assembled here since the election. The thought contained in the letter from which the Senator from Florida has just read was embodied in that report, and it would seem that that is to be the policy of this administration. It follows quite naturally what occurred on the floor of the Senate when we were discussing the tariff bill. The then Senator from North Dakota, Mr. McCumber, who was in charge of that bill, was confronted with the problem just suggested by the Senator from Florida. He undertook to answer the inquiry as to what the wheat producers of this country were to do. Ordinarily we produce a surplus of about 20 or 25 per cent of our crop. That surplus must find a market abroad; and what did Senator McCumber advise the wheat growers of this country to do? He said: "Quit growing wheat and grow flax." That was his answer. That said to the cotton growers of this country, "Quit growing cotton and grow flax or some other commodity of which we do not produce a full supply." It said to the copper producers of this country, "Quit producing a surplus of copper," although we supply 60 per cent of the copper of the world. It said to the meat growers of this country, who export about 2,000,000,000 pounds of meat products a year, "Quit producing meat and grow flax."

I should like to inquire if the people of this country are ready to accept any such doctrine as that? Are we going to isolate ourselves from the rest of the world? That doctrine says to the great West, "Quit developing your irrigation en-

terprises; let your lands lie barren and dry." It also says to these manufacturers who have been so loud in their laudations of the last tariff act, "Quit your production; discharge your employees, so that they may grow flax rather than producing locomotives for China and South Africa."

There is one old saying which I believe has been quoted and referred to in connection with the tariff more than any other saying on the subject, I think largely because it came from a man who is so revered in this country. It was Abraham Lincoln who, in discussing the tariff, said, in speaking of steel rails: "If you want a hundred dollars' worth of rails, if you buy your rails in this country the country has the rails and the hundred dollars." That was largely applicable to conditions of the time when the statement was made; but you will recall that that statement presupposes that you have the \$100. What are you going to do with the man who has wheat and wants to buy coffee from Brazil? What the Brazilian merchant wants is dollars. The farmer has not the dollars. He has a surplus of wheat. How are you going to close that kind of a transaction if the farmer has the wheat and can not sell it for the dollars? The same thing is true with regard to any other commodity which might be obtained from abroad; or even if you wanted to buy it in this country and had no market for your wheat you would not have the \$100 here. You must first get that; and the only way in which the farmers of this country who grow wheat can get dollars for it is by finding a foreign market and getting from that foreign market something which they can exchange for the things which they actually want to use.

When we were discussing the tariff bill, the plan was suggested that the tariff should be based upon the American price. None of us knew what that meant, or how it would operate; so we appropriated \$100,000 to pay a commission to go out in the country and find the difference in prices of domestic commodities in this country and of foreign commodities sold in this country; in other words, upon a mere question of price, how the foreign commodities were competing with the domestic commodities. What did the Tariff Commission find? They brought us in here a great, voluminous report dealing with hundreds and hundreds of articles that had been examined by the experts; and what were we told? That although they were sent out for the very purpose of comparing the prices of foreign commodities with the prices of domestic commodities, over 75 per cent of the articles mentioned there were not comparable with the domestic articles at all. Although they were hunting to get the comparisons, they came to us with a report three-fourths of which was not composed of comparable articles at all, although that was their mission.

What does that mean? It means that there are thousands and thousands of articles produced abroad which, if brought into this country and entering into the life of our people, would not injure a single legitimate industry in this country. There are some articles produced abroad which can not be produced here at an economical cost. Take the finer cotton cloths: It is necessary to have the damp climate of England to produce the finer yarns. They can not be produced here at anything like a reasonable cost. Why, then, should not the people of the United States have a right to use those commodities and have a right to purchase them at a reasonable price, so that the man in England may buy the wheat from the farm, the copper from the mine, and the cotton from the field?

Instead of isolating ourselves from the rest of the world, we should put ourselves in tune with the commerce of the world, not to the destruction of any of the legitimate industries of this country, but to enable other industries which are not prospering to-day to carry on their activities, and to permit the wheat grower who has been producing wheat all his life still to grow wheat and not be forced to grow flax.

Mr. President, this subject is broad. I had no idea of discussing it at all at this time or at this session of Congress, but I could not refrain from saying just a few words while on this very important topic.

Before closing, I should like to make public mention of a very valuable small book which is entitled, "Making the Tariff in the United States." This book is edited by Dr. Thomas Walker Page, who for several years was president of the United States Tariff Commission. He was, I believe, for a number of years a professor of economics in the University of Virginia. At present he is the head of the Research Council of the Institute of Economics, which is engaged in its work here in the city of Washington.

I desire to read the statement on the front page of this book, so that it may be generally understood just what institution



it is that Doctor Page now represents and was representing when he edited this very valuable work:

The Carnegie Corporation of New York in establishing the Institute of Economics declared that "in committing to the trustees the administration of the endowment of the Institute of Economics, over which the corporation will have no control whatsoever, it has in mind a single purpose, namely, that the institute shall be conducted with the sole object of ascertaining the facts about current economic problems and of interpreting these facts for the people of the United States in the most simple and understandable form. The institute shall be administered by its trustees without regard to the special interests of any group in the body politic, whether political, social, or economic." In order that the council and staff of the institute may enjoy the freedom which is conceded as essential to scientific progress the trustees of the institute have adopted the following resolution: "The primary function of the trustees is not to express their views upon the scientific investigations conducted by the institute, but only to make it possible for such scientific work to be done under the most favorable auspices."

The officers are: Robert S. Brookings, president; Arthur T. Hadley, vice president; David F. Houston, treasurer; and Harold G. Moulton, director.

The council are: Thomas Walker Page, chairman; Harold G. Moulton, Edwin G. Nourse, and William F. Willoughby.

The trustees are: Edwin A. Alderman, Robert S. Brookings, Whiteford R. Cole, Arthur T. Hadley, David F. Houston, Charles L. Hutchinson, David Kinley, Samuel Mather, John Barton Payne, Bolton Smith, James J. Storrow, Charles D. Walcott, and Paul M. Warburg.

This rather small volume is a most readable book, and was written by one who has been in direct touch with tariff legislation for a great many years. He has no ax to grind, no particular interest to serve. He is at the head of a great, important research institution, whose purpose is to give information to the people of the country. I do not desire to do anything more than to call attention to this, but I believe that every business man in the country, every farmer in the country, every man who is producing anything, and especially every legislator, ought to become thoroughly familiar with the contents of the book. It is a most valuable presentation of the facts, and I hope that my calling attention to it may conduce in some measure to its wide reading.

Mr. KING addressed the Senate. After having spoken for some time,

Mr. McKINLEY. Mr. President—

The PRESIDING OFFICER (Mr. BURSUM in the chair). Does the Senator from Utah yield to the Senator from Illinois?

Mr. KING. I yield to the Senator from Illinois temporarily, because I understand he has something to say and has to leave the Chamber in a short time.

Mr. McKINLEY. I thank the Senator from Utah.

Mr. President, the United States during the present administration has achieved unsurpassed results in economic, industrial, and administrative efforts due to the sound policies and wise statesmanship of the Republican Party.

By 1921 the Nation had demobilized more than 4,000,000 soldiers and suspended war activities that had employed approximately 7,000,000 people. It had expended as the cost of war and in the making of loans to our allies about \$33,000,000,000, a sum equivalent in value to all the gold that has been mined since the beginning of civilization. In 1921 there were 5,000,000 idle workmen. The sudden deflation of farm credits by the Democratic administration had demoralized agriculture. Unemployment brought about severe decline in domestic consumption of farm products. The domestic decline in meat consumption alone for the year 1921 was 800,000,000 pounds.

The Republican administration grappled with these problems with courage, energy, and common sense. In four years the national debt has been reduced \$3,000,000,000; the annual interest payment has been reduced \$134,000,000, and there has been a total reduction of taxes approximated at \$2,000,000,000.

#### BUDGET

This administration enacted the Budget law over Democratic opposition, and inaugurated that efficient and economical system of handling the Government finances. This was the commencement of a new era of fiscal administration. It has eliminated waste, reduced expenditures, abolished obsolete methods and substituted economy, cooperation, and coordination on the part of our executive departments in the supervision and disbursing of the public funds. This measure has greatly relieved the work of Congress.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. McKINLEY. The Senator from Illinois declines to yield for the present.

#### FORDNEY-M'CUMBER TARIFF

Mr. President, the Fordney-McCumber tariff has illustrated by its results that it furnishes fair protection to American labor and industry, without detriment or oppression to the consumer, and that it is the greatest revenue-producing tariff we have ever enacted.

It has brought remunerative employment to labor, prosperity to industry, better times to the farmer, and improved living conditions to our people. Under its operation our foreign trade, including imports and exports, despite Democratic predictions to the contrary, is now just about double what it averaged under the Underwood-Simmons tariff. Without the great revenues collected at our ports under the present act it would have been impossible to have reduced taxes and made such large payments on the public debt.

The United States Bureau of Labor Statistics for December, 1923, showed that the average wages in the United States were the highest ever known. This condition can only be maintained by adhering to our policy of protection, because the American laborer can not compete with the underpaid labor of other countries nor the American producer undersell his European competitor in his own market or even in our home market without being safeguarded by an adequate protective tariff.

#### FOREIGN RELATIONS

Mr. President, when this administration succeeded to power it found our foreign relations in a state of almost inextricable confusion and beset with grave difficulties and distracting perplexities on almost every hand. The Treaty of Versailles had left a legacy of suspicion, doubt, and resentment. We were still technically at war with the Central Powers, and the peace negotiations had provoked bitter and menacing controversies in many quarters and particularly in the Far East. These troubles, which were the cause of much serious apprehension, have generally been settled or composed, and practical diplomacy has effected the completion of 58 treaties and international agreements.

The Washington Conference on the Limitation of Armament is recognized as one of the world's outstanding movements for the promotion of peace and amity among nations. It has been said that it scrapped or suspended the projected cost in construction of more warships than had been destroyed in two thousand years. It provided that the operation of submarines should be brought within the control of international law, and condemned the use of poisonous gases as agents of civilized warfare. By the acceptance of the provisions of this conference the United States has been able to reduce its naval appropriations \$250,000,000 per annum.

During the past seven years in connection with the Inter-parliamentary Union I have made six annual visits to Europe. It is hard for the people of the 48 States, united here in one peaceful Union, to realize that west of the western boundary of Russia and continuing to the western boundary of Spain and Portugal, in an area not over three-quarters the size of the United States and compactly bound together, are 26 independent nations. Because of the many matters arising between the various nations, such as customs laws, quarantine, and so forth, it is necessary that these 26 nations should have some central agency called the league of nations, world court, or any appropriate name, whereby the differences arising may be promptly and amicably settled.

The United States, located 3,000 miles away, is hardly in the same category, but our relations with these nations are so intimate it does seem proper that there should be some instrument or some court, call it what you will, to bring us in proper contact with them. Therefore, I favor President Coolidge's suggestion of our connection with a so-called World Court.

#### IMMIGRATION

Mr. President, the regulation of immigration is purely a domestic subject and is now so recognized by all nations. On account of the enormous influx of foreign labor it became imperative, in order to maintain the prevailing wages and the greater opportunities for American workers, to adopt a restrictive immigration policy. This action was not conceived in any spirit of unfriendliness, but simply as a just and essential measure of self-protection, not only to our native but to our foreign-born people. There have come to this country as immigrants in the last 75 years more than 35,000,000 people. In the year 1907 there were admitted 1,285,349, and in 1914, 1,218,480 aliens. During the World War immigration was largely suspended because of war conditions. When the war closed it was easily foreseen that there would be a great increase of immigrants, particularly from the war-stricken countries of Europe and western Asia, and that millions of war sufferers would seek to emigrate to the United States.



The United States no longer stands in need of such an acquisition of foreign labor from abroad as that which wrought so greatly in the earlier material development of the great resources of our country. We have developed marvelous mechanical and industrial forces, which have largely overcome such requirements and are rapidly making us industrially self-sufficient. The policy of restriction is as beneficial to our foreign-born people and their children as it is to our native population, for without this policy of restriction their descendants would soon find themselves struggling with those grinding conditions of toil which are always incident to overpopulation and from which they fled in their homelands.

#### AGRICULTURE

The country at large was unable to understand the severe hardships entailed upon our farmers by the violent reaction that followed the war. The farmers were the first to feel the disastrous effects of declining prices. With the inauguration of the Democratic program of deflation in the spring of 1920 nearly all farm products were produced at a loss, while nearly everything that the farmer was buying remained at war-level prices, and the cost of transportation remained the same. The conditions became so serious as to threaten a virtual collapse of agriculture. The farmers possess one-half of the purchasing power of the Nation and consume 40 per cent of all its manufactured products. They patriotically responded to the nationwide appeal to produce more "stuff."

In order to do so they increased their expenditure of capital and intensified their efforts, and then were compelled to sell the enormously enhanced production at less than actual cost. The administration made available, as loans to the farmers of the United States, during the last four years a total of \$2,000,000,000, of which they have availed themselves by securing loans amounting to \$1,350,000,000. The Republican Party in its platform of 1924 pledged itself to the development and enactment of measures designed to place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success. President Coolidge, immediately after his election, proceeded to formulate plans for the relief and benefit of agriculture. He appointed a committee of men specially qualified for this important work. This committee has reported a comprehensive and feasible legislative program for the purpose of carrying out the party's pledge to the American farmers, to demonstrate that this platform pledge was made in good faith, and is urging its enactment as a law.

#### WOMEN'S BUREAU

The administration has put social service and humanitarian methods into its administrative program in a helpful and generous manner. The Women's Bureau has been an especial object of its solicitude. The purpose of this bureau is to promote the welfare and conserve the health and lives of women wage earners by providing for seats, rest rooms, wholesome quarters, proper ventilation, and sanitation, and make arrangements for their protection against fire and dangerous machinery. It provides for cooperative efforts between State and Federal officials, and the holding of conferences for the discussion of subjects, and the carrying on of research and educational work relating to wage-earning women. We have 8,500,000 women engaged in various gainful pursuits. Illinois alone has 48,497 women employed in its commercial and industrial establishments. The work of this bureau is not only of a humanitarian character, but contributes to improved service and to the better physical and moral conditions of our womanhood.

#### CHILDREN'S BUREAU

The Children's Bureau was created under President Taft's administration. The investigations of this bureau showed that approximately 250,000 babies of 1 year of age and under were dying annually and that 20,000 women died in childbirth each year. We were shocked and surprised to learn that the United States, despite its great progress in medical science, had the highest maternity death rate of all civilized countries. When President Harding was informed of this distressing fact, he promptly recommended to Congress the enactment of a law known as the infancy and maternity act. This act is one of the most important and beneficial welfare measures of recent years. To carry out its provisions \$1,240,000 was appropriated. Forty States have accepted the terms of this act. The Sixty-seventh and Sixty-eighth Congresses appropriated a total of \$5,240,000 for the humanitarian work of the Women's and Children's Bureaus.

Such in brief is a summary of the principal achievements of the Harding-Coolidge administration. They are the logical fruits of carrying out the time-honored principles and funda-

mental policies of the Republican Party. These results were passed upon by the American voter in the recent presidential election and overwhelmingly approved. Never have our people so generally expressed profound confidence in the wisdom and statesmanship or a deeper sense of the appreciation of the fidelity and public services of a living President than was illustrated by the tremendous popular vote cast for President Coolidge. The election of the President, together with the election of a Republican Congress, has not only relieved the country from disquieting fears but is accepted as an assurance that the Nation will be blessed with stability, peace, and prosperity at home, and that its rights will be upheld abroad, and its honor respected among all nations.

Mr. KING resumed his speech, which is entire as follows:

Mr. President, this morning I inserted in the RECORD an article by Mr. Mark Sullivan, appearing in the New York Tribune and other newspapers, under date of January 28. The views contained in this article have been provocative of an interesting discussion.

The Senator from North Carolina [Mr. SIMMONS] in his able address has exposed the fallacy of the "isolation" policy which seems to be the program of this administration. He has also in a conclusive manner demonstrated how injurious it would be to our country if the Tariff Commission were to be a mere partisan body, to register the will of the administration and execute the policies of the trusts and high protectionists of the land.

The able Senator from New Mexico [Mr. JONES] has just finished an admirable and instructive address and has condemned the flexible provisions of the tariff law, and exposed the evils lurking behind its provisions. The Senator from Massachusetts [Mr. WALSH] has submitted a timely statement bearing upon the tariff question.

Mr. President, Mr. Sullivan's article challenges attention to a condition which ought to arouse not only the attention of Congress, but all students of economic and political problems throughout the country. This writer perceives a movement which has for its object the fastening upon our country of a policy which is—I was about to say, prehistoric—but certainly archaic, highly reactionary, and destructive of our economic and political development. This policy contemplates the erection of a wall around the United States which will cut off imports and prevent exports, and isolate our country from contact with the rest of the world.

One is amazed to think that in this age of enlightenment there should be so many proponents of a policy so deadly, so destructive, and so hostile to the great currents of progress, freedom, prosperity, civilization, and world fellowship that are carrying humanity forward. That there should be a movement of such strength and vigor in the United States is astounding and must fill with apprehension, if not dismay, those who have believed that moral and spiritual forces are to govern in this world and that this Nation was to be a prime factor in advancing world peace and fellowship and a reign of justice and righteousness among all peoples.

The program foreshadowed by Mr. Sullivan contemplates the economic isolation of the United States. In plain terms, it means that we are to pursue the policy which China pursued for 4,000 years. We are to import nothing from other nations; we are to export nothing to other peoples; we are to be a "self-contained" country, producing all that we consume and consuming all that we produce. It appears that this movement is assuming such formidable proportions that manufacturers and representatives of agriculture have agreed upon a policy of legislation which will accomplish this result.

The program contemplates that the farmers will raise no more of any commodity than can be marketed in the United States. Our fertile fields and productive farms, capable of supplying the needs of two or three hundred millions of people, are, in part, to lie idle. The great cotton fields of the South, which supply the major part of the needs of the world's teeming millions, are to produce but a small fraction of their capacity, and the greater portion of them are to be returned to their former wild and uncultivated condition.

Our merchant marine is to be destroyed and our ships are to rot in our ports and harbors; American commerce is to be driven from the seas and our flag seen in foreign ports only upon battleships. The output of our factories and mills and plants is to be restricted; their markets are to be provincial and local; our great captains of industry are to conquer only America; they are to seek no conquests beyond the boundaries of the United States. They are to be left alone to form combinations and trusts and advance prices to levels heretofore unheard of, and to exploit their own employees and the domestic consumers of their products.



Mr. Sullivan states:

That the Government and practically all lines of business in the United States are coming together in an impulse of mutual self-protection to meet the conditions of world trade arising out of the economic rehabilitation of Europe and its increasing activity.

The policy which America is moving toward, as yet gropingly, is one of withdrawing to itself, making itself a self-contained country, and trying to maintain our high standard of living by avoiding the competition of Europe, in either the rôle of buyer and seller. A fairly certain result of that policy should express itself in advocacy of a tariff that will be protective beyond previous standards of protective tariff.

There can be no difference of opinion as to the meaning of this policy. The Government it seems is backing it, and the big business interests of the United States are supporting it. When the Government is referred to by the writer, he means, of course, Mr. Coolidge and the Republican administration. No one is foolish enough to believe that this administration is not reactionary; that it is not controlled by the trusts and the plutocratic and predatory interests of the United States. These sinister forces controlled the Cleveland convention; they wrote the Republican platform; they nominated Mr. Coolidge and Mr. Dawes; and now they are to be rewarded. The Government, that is the Executive and the administration, are to co-operate with the reactionary elements which are to put into effect a program that will isolate the United States from the rest of the world.

And Senators will note the hypocritical character of the defense made for this movement. It is to make the United States a "self-contained" country and to maintain "our high standard of living." The people are to be caught by the same sophistry and the same false and deceptive arguments that have been employed by reactionary Republicans in urging and defending their protective-tariff views. Now they go not a step but hundreds of leagues farther. Made arrogant and domineering by their past victories, they would now rivet upon this country their selfish and destructive and, indeed, wicked policies, which would not only paralyze and petrify our economic and industrial life but destroy the foundations of freedom and progress which heretofore have given vitality and inspiration to the people of this land.

China was a "self-contained" nation, but it was stagnant and unresponsive to the great moral, spiritual, and economic forces that were changing the face of the earth. The policy of the Bolshevik régime is akin to that which is being advocated by the administration and the selfish and reactionary forces in our country. In Russia freedom of trade is prohibited. There can be neither exports nor imports except through organizations approved by the Government, and every means possible is employed to prevent importations of commodities which can possibly be produced in Russia, no matter how difficult or costly. The Bolshevik plan is to have a "self-contained" nation and permit no integration of their economic life with that of the people of the world, and to build dikes and dams around their colossal country and prevent any cultural or political or moral streams from reaching the dry and arid lands which now bring only poverty, sorrow, and death to the Russian people.

Mr. President, it would seem that the leaders of the Republican Party and those who are supporting this frightfully destructive policy must have forgotten all the lessons of history, all principles of political economy, all teachings of inspired religion, and all concepts of an overruling Providence working through the centuries to eliminate selfishness and greed and prejudice and ignorance in the world, to the end that humanity might be united in the bonds of fellowship and love.

This policy is the apotheosis of selfishness and greed. It is the negation of all the positive and civilizing and spiritualizing forces which prophets and men of vision in all ages have known were operating throughout the world. It is an atavistic policy, a reversion to old types, a recrudescence of the spirit of the troglodytes and the barbarous and uncivilized peoples of the past who sought isolation and regarded all other tribes, races, and peoples as their enemies, to be preyed upon and, if possible, exterminated.

It is a sad commentary upon the statesmanship of the Republican Party that with the world in ferment, seeking leaders and policies, and the people seeking leaders to direct them in the paths of safety and peace and policies that will rehabilitate the world industrially, it can produce neither leaders competent to guide the world nor measures which will accomplish these desired results. We are offered a tried and discarded formula, national isolation, and the world is informed that we are to be no part of them.

Mr. President, for many years the Republican Party has been dominated by the protected interests, by those who have used the Government to enable them to exploit the people. Constitutional limitations have been disregarded, and measures have been driven through Congress and received the approval of Republican executives which have increased the burdens of the many and materially contributed to the enrichment of the few. Tariff laws were enacted which contravened sound economic principles and interrupted the natural laws of trade so essential to a wholesome economic condition. Under the guise of taxation the masses of the people have been robbed only to increase the swollen fortunes of predatory elements in our country. The farmers and the great army of employees in factories and mines, and in the various industries and activities of our country, were made to believe that class legislation, high protective measures, bounties, and bonuses were for their benefit. For many years an extensive and, indeed, intensive propaganda has been carried on by protected interests, by trusts, and by great aggregations of wealth to persuade the agricultural classes to support the Republican Party.

When the farmers directed attention to the fact that their products were greatly in excess of the demands of the domestic market, and that they must find foreign markets for their surplus, and that the foreign markets fixed the prices of their commodities, and further that the prices of the articles and commodities which they were compelled to buy were fixed by combinations and trusts and by the beneficiaries of high protective laws which enabled the manufacturers to increase the prices of their commodities they were told by these same manufacturers and beneficiaries of unjust measures that our whole economic system would collapse and disaster would overtake the agriculturists of our country if the tariff wall was in any manner assaulted.

And the pity of it is that millions of our farmers and employees believed these sophistical, unsound, and untruthful statements and were influenced by this insidious propaganda, to the carrying on of which these selfish interests annually contributed enormous sums.

A number of years ago the farmers began to learn that these protected barons were exploiting them, and that they were annually shipping to foreign countries manufactured articles of the value of tens of millions of dollars and selling them at prices far below those obtaining in domestic markets. In other words, the farmers and the great body of consumers in the United States were being robbed for the benefit of the protected interests of the United States.

The crimes committed under the guise of protection can never be catalogued. The amounts wrung from the people by tariff laws and transferred to the pockets of tariff beneficiaries can never be definitely ascertained, but it is certain that they run into astronomical figures, aggregating many billions of dollars.

People sometimes marvel at the enormous wealth controlled by a limited number of individuals in the United States, and they are amazed to learn how few corporations and individuals dominate and control the industrial life of our country. The happiness and felicity of a people are determined not by the aggregate amount of wealth which they possess but, rather, by its manner of distribution. Of course, I do not mean to infer that wealth is the true source of happiness and felicity. There are other factors far more important.

But no social system can long survive, in which the centralizing forces are paramount. Much has been written about social solidarity, industrial equality, and democracy in the industrial life of the people; doubtless many crude and fantastic views have been expressed by those who have written upon these matters; but, nevertheless, there is an ideal state, not projected alone by great humanitarians, religious reformers, and prophets, but by wise statesmen and men who have studied history and the rise and fall of nations and who know the practical questions involved in human progress. When education comes and people enjoy equal political and civil rights, there will be an irresistible demand for an industrial system that is founded upon justice and equity.

Wealth is not money; wealth is the product of labor. And with the march of civilization an industrial system which, as if by gravitation, concentrates in the hands of a few the product of labor will fail. Justice is not an evanescent and an unrealized thing. It must be a real, live, and vital thing; it must operate not alone in the political life of the people but in their economic and industrial life, and find place in all social relations.

The people are awakening, not in our country alone but everywhere. Their cries of revolt can be heard against old customs and the relics of feudalism and Procrustean policies

which have so cruelly operated in the past. This is the age of democracy; it is the day when the people will rule; the hour has come when privilege, selfish, intriguing, and corrupt and cruel privilege must be scourged from its high place and the people crowned. But now, as always, reactionary and sinister forces oppose the right and seek to beguile the people and seduce them from the path of duty and the way which leads to their own emancipation. But now, as in the past, deaf ears are often turned to those who seek for justice and political freedom.

Such was the case in the last election, and we now have enthroned in power the sordid and reactionary forces whose purpose it is to strengthen their hold upon the economic life of the Nation. Many of the farmers of the United States of late have perceived the manner in which they have been betrayed by the tariff barons of our country, and they have demanded that the tariff rates be lowered so that they will not be compelled to pay inordinate prices to the trusts and protected interests. Knowing that they had sown to the wind and might reap the whirlwind, cunning and crafty protectionists have attempted to abate the rising storm and now suggest that the tariff wall be so constructed as to prohibit the importation of all agricultural products, and thus give to the American farmer a monopoly of the home market. Doubtless this scheme will receive much support. The full significance of it will not be appreciated by all, and its menace to the peace and prosperity of our country will not be realized by millions of the American people. That it is a menace no thoughtful man can deny; that it will work irreparable injury to our country, every honest student must confess.

Mr. President, the prosperity of the American people depends largely upon the expansion of their foreign trade. If they are restricted to domestic markets, then the primacy of our Nation in industrial and in material and moral leadership will be lost. With our limitless resources we can at the present time, after satisfying our own needs, annually produce for export agricultural products sufficient to supply the needs of between one and two hundred millions of people. With our unparalleled variety of raw materials, our great factories and mills and industrial plants, and available wealth for the construction of additional plants, together with the genius and energy of the American people, we can annually provide for export manufactured products of the value of from ten to twenty-five billions of dollars.

Indeed, Mr. President, our resources are so great and our power of production so limitless that it is not extravagance to say that America could feed and clothe more than two hundred millions of people.

And the world is ready for our products. Peoples from every land are stretching forth their hands to receive the output of our mills and mines and fields and farms. The peoples of the world not only desire our material products but they sincerely desire the most friendly relations and binding friendship which will unite the nations for the promotion of universal peace and happiness.

And with this inviting field it is now proposed by selfish and arrogant forces in our country to repulse the friendly advances of the world and build high a wall of separation with no means of entrance or mode of exit. This is a blind, stupid, and wicked policy to which it appears the Republican administration has given its assent. Indeed, we are advised that the President has approved one chapter in this sordid policy which forbids imports and will prohibit exports.

This policy accepts the fallacy that high wages are conclusive evidence of prosperity and that a high standard of living is made possible when a high wage scale exists. One would think the fallacy of this proposition would be apparent even to the dullest when the statement is made everywhere throughout the land that the dollar received by the wage earner is but a 50-cent dollar; that it has lost its value, and because of this loss its purchasing power has been reduced. It is understood by all that even the gold dollar fluctuates in value—that is, in its purchasing power—and that wages are determined in the last analysis not by what one receives but by the commodities which the dollar will purchase.

In the early days of the war the laboring men were impressed with the fact that the dollar was a very uncertain measure of value; that the wage received at the end of the week, though perhaps greatly in excess of the wage paid the preceding week, would purchase far less than the smaller sum heretofore received, and that as the prices of commodities mounted, the demand for increases in wages grew more emphatic, and as wages were increased the prices of commodities advanced. But notwithstanding the enormous advance in wages the prices of commodities far outstripped wage increases.

We frequently hear wage earners state that 15 or 20 years ago they could purchase more with \$1 than they can now with three or four dollars.

When in Germany and Russia, a short time ago, I discovered that high wages, measured by rubles and marks, meant but little. In Russia a man working in the factory would receive several billion rubles for his day's labor, but it required a month's service to get enough rubles to buy a pair of shoes. And in Germany the mark was of so little value that it was scarcely worth the paper upon which it was printed. It is more important to have a stable ratio between the dollar and commodities which the people are compelled to purchase than to have high normal wages which have an uncertain and fluctuating purchasing value.

In my opinion it would have been better for the American people if the prices of commodities had not reached such high levels, calling for corresponding increases in wages. I should add, however, that the advance in wages scarcely ever keeps pace with the increase in prices. We know that in Germany the fall of the mark inured to the advantage of the capitalist and the manufacturer, but never to the advantage of the employee. The employee was paid in a constantly depreciating mark, and wage advances lagged far behind the increase in prices, measured by marks, of the commodities and products which the employee was compelled to purchase.

Mr. President, I have heretofore called the attention of the Senate to the fact that many European economists and business men appreciate the advantage which the European countries and other countries of the world will enjoy over the United States in securing important and perhaps controlling places in the markets of the world by reason of what they call the fictitious standards which now exist in the United States. Even if this foolish scheme referred to by Mr. Sullivan in the article mentioned heretofore were not projected, America could not hope to win and hold that commanding place in world trade which its resources and situation entitle it to, if it continues a policy of inflation which particularly reacts upon prices of manufactured commodities and raw materials so imperatively needed by other countries.

It seems to me that the manufacturers of the United States and many of our political leaders are suffering from stupidity or blindness, or both. We have appropriated tens of millions of dollars this session, ostensibly to aid in the development of our foreign trade. Our appropriation bills have carried tens of millions of dollars for the maintenance of our merchant marine. We will this session appropriate, or authorize the appropriation of, more than \$100,000,000 for our rivers and harbors, in order that our foreign trade and commerce may develop, and yet Republican leaders and the great financial and industrial forces of our country propose the execution of a plan which will inevitably drive us from the seas and the markets of the world.

Their policy, Mr. President, is more absurd than that which prevailed under the mercantile system, which was so omnipotent during the seventeenth and the early part of the eighteenth centuries. That system sought to restrict the importation of all foreign goods by means of tariff walls. It did, however, encourage exports, hoping to attract as much gold and silver as possible, to be held as a reserve of money. This system was founded largely upon the fallacy that money is equivalent to wealth. The cult of incompetence which devised that system is working overtime in projecting one now which is more fallacious and indeed more deadly.

A cynic has stated "that democracy is a form of government in which a few individuals exploit the resources of society for their own benefit." He must have foreseen this policy of the Republican leaders and the vested interests of our country.

Herbert Spencer has said:

It is strange how impervious to evidence the mind becomes when once prepossessed.

Mr. President, what is needed is a return to sound economic principles, recognition of the fact that a fictitious and inflated industrial condition is not only unwholesome but dangerous. We must realize that we are a part of the arc of a great circle, and must take our place in the world circle. We must at the earliest practicable moment adjust our economic and industrial situation to meet the tides and currents of world trade and commerce. We are, by legislative bellows, forcing fetid air into our industrial system. We should be careful lest the pressure produce an explosion. Balloons often burst with fatal consequences.

All right-minded and patriotic Americans desire the prosperity of all employees; indeed, of all people; but, as I have indicated, prosperity is not determined by the wages paid.



Mr. Atkinson, in his work on Facts and Figures, the Basis of Economic Science, has said:

The theory that high prices make high wages is so shallow as to make one wonder that any man of common sense should present it. When it is remembered that 90 per cent of the demand for food, fuel, clothing, and shelter is for the supply of small farmers, farm laborers, common laborers, wage earners, factory operatives, mechanics, and persons of small fixed incomes it becomes plain that high prices quickly diminish consumption by leading to forced economy. This tends at once to lessen the demand for labor, to the discharge of large numbers of workmen, and to efforts to reduce rates of wages; then follow strikes and other misdirected efforts to get relief. One may sympathize with the workmen under these conditions without approving their misdirected methods.

Mr. President, it does seem as though the Republican leaders and the selfish interests are determined to interpose every possible obstacle to genuine prosperity and to a solid and substantial growth in the economic and industrial life of our country. They want to impose the remnants of feudal institutions and worn-out customs and discarded financial and economic policies which have persisted in one form or another from the days when people lived in groups and tribes. I submit that any national policy which produces separation or isolation or which tends in that direction is unnatural, unwise, and opposed to the best interests of the country practicing it, as well as to the rest of the world.

The progress of the world is measured by the tendency toward gregariousness. Religion, science, and the great inventions and discoveries have brought propinquity, and distant lands are now brought nearer together, and this globe of ours has shrunk to small dimensions. We now speak with our friends on the other side of the globe, and we shall soon be able to see our loved ones in distant lands.

The patriot and the statesman to-day is pleading not for isolation, but for world unity, for a recognized code of international law, for a world court, and for world fellowship. He perceives that isolation is a step backward and that a policy of economic isolation would result in cultural, educational, and spiritual isolation. Nations may be provincial as communities have been and are. There are narrow and bigoted local communities as there are illiberal and arrogant and highly conceited nations.

Mr. President, we need leaders of broad vision, men who can see beyond the 12-mile limit and comprehend the fact that there are ties that bind our Nation to other nations and bring all peoples within the influence and power of indestructible moral forces.

Mr. COPELAND. We did not extend our vision when we extended the 3-mile limit.

Mr. KING. Perhaps that is true. I think the result of the last election established that a majority of the voters were either reactionary or were misled by false issues and reiterated misrepresentations, many of which obscured the issues and some of which intimidated the people. I believe that a majority of the American people are in harmony with the ideals of the founders of this Republic and are in sympathy with all movements calculated to bring about world disarmament and world unity.

An overwhelming majority of the American people are Christians. They believe the day will come when there will be, as the great Apostle has said, "one God, one faith, and one baptism." They expend millions annually to propagate their religious faiths in foreign lands, and their contributions for the starving and the suffering in Russia, in the Near East, and in other countries where great calamities and disasters have afflicted the people aggregate annually tens of millions of dollars.

I believe they will not follow, at least for any length of time, the Tory and reactionary policies advocated by the Republican Party and which in the end, if persisted in, must be destructive of the ideals of the American people and place this Nation in a position incompatible with international progress and leadership.

My friend from New York undoubtedly realized that the Republican Party has pursued a bigoted, intolerant, and provincial attitude in dealing with foreign matters. It opposed the League of Nations or any broad and comprehensive international policy which would bring about world union. While some of its leaders have indicated a desire that the United States should adhere to the World Court insurmountable obstacles have been interposed by it to prevent action by Congress which would bring about that desirable result. The leaders of public thought in our country, as well as ministers and high ecclesiasts, have earnestly advocated an international policy

which would bring us into accord with the rest of the world. They have supported the World Court. Daily hundreds, if not thousands, of letters and telegrams are received by Senators, urging that the Senate pass the necessary resolution which will enable our country to adhere to the protocol establishing the World Court. But the Republican Senate is deaf to these appeals, and many Republican leaders, as well as the selfish financial interests which are so powerful in this Republic, occupy their time in devising plans to further separate us from other nations, not only physically but morally, culturally, and educationally.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. COPELAND. I think the Senator said earlier in his remarks that our production is greatly in excess of our consumption.

Mr. KING. That is a fact. During each of the years 1918, 1919, and 1920 our foreign trade and commerce amounted to approximately \$13,000,000,000. We are producing from 10 to 25 per cent in excess of our consumption. Our resources are such that we could produce sufficient agricultural products to feed 200,000,000 people, and I have no doubt that we could so expand our other commodities and products, including raw materials, as to double and perhaps treble the present output.

Mr. COPELAND. How do our friends who are in charge of the Government expect to have any continued prosperity in America until there can be found some way to open the streams of trade and commerce in order that we may dispose of this surplus of our production? Certainly we can not dispose of that surplus until the nations on the other side are permitted to sell some of their products in order that they may have funds with which to purchase.

Mr. KING. Mr. President, the question of the Senator is timely and pertinent; it really answers itself. It is an argument in favor of commercial intercourse with other nations. But, as I have attempted to show, there are powerful forces now controlling the Republican Party which close their eyes to all historic evidence and precedents and fatuously support the view that national prosperity is coincident with national isolation. Their view is that we are a separate people; that we are powerful materially; that the world is unnecessary to our growth and development; indeed, that we will be hindered by any contact with other people. They seem to be intoxicated with the materialistic philosophy which they seek to propagate.

Not very long ago, if I may be pardoned by the Senator for seeming levity, when he sought the love of the lady who honored him with her hand he felt that if they could live upon some far-off island it would be a land of enchantment and their cup of felicity would be full. As he grew in years and came into contact with life he found that, notwithstanding the happiness and joy resulting from the union, there was a broader field in life than would be furnished by any enchanted island; that joy and happiness came from activity in that broader field which brought responsibilities and problems, indeed sorrows and perhaps tears. And he learned, as all good and wise men learn, that true happiness is the result of sacrifice and service and suffering. Joy comes from the knowledge that one is aiding others to bear the burdens of life and is contributing a full share to the discharge of the responsibilities that come to the brave and the courageous and to the weak and to the strong.

The Senator will recall that Prince Siddhartha, the founder of Buddhism, did not experience a full measure of happiness in his palaces, where it was supposed no evil or sorrow would appear. Nor did he find happiness in seclusion with the hermits and the isolationists. Happiness came from enlightenment, from knowledge, from the discovery that ignorance is the source of human misery. And Doctor Johnson, in his famous *Rasselas*, teaches the lesson that the duty of an individual as well as of a people and of a nation is to go out into the world and share its sorrows and bind up its wounds and aid in the solution of its problems.

The leaders of the Republican Party, or at least those who determine its policies and control its actions, affect to believe that our cup of happiness and felicity will be filled to overflowing if we can leave the world behind us. Apparently they would like to build a wall from the Gulf of Mexico to the Pacific, and another along the Canadian border; and then with fortifications and battleships and naval craft keep every ship and sail and every human soul far beyond the range of our powerful guns. We will then be "self-contained," and uncontaminated by the rest of the world. To be logical they should toss into the sea our law books which reveal the glories of the Justinian Code, and the Common Law, and the inspiring litera-

ture from Homer to the last great teacher and prophet who has inspired the hearts of the world.

Mr. COPELAND. Mr. President, in medicine we consider when an organ which has been fully developed and useful becomes withered and useless that it has atrophied; that is a diseased condition. Does the Senator from Utah think that we could, as a Nation, have health if there is to be such atrophy of our national resources and capacities as he has suggested?

Mr. KING. Of course not, Mr. President. Our vigor and growth will be measured by our associations with other nations. The condition of aloofness which is being sought by the selfish leaders and forces referred to by Mr. Sullivan would soon lead to stagnation and atrophy. Our industries would become stagnant, and the genius and ambition and force and power of the people would suffer from a progressive paralysis. Trusts and combinations to restrain competition would soon control industry. Doubtless class distinctions would arise, and the masses of the people would be condemned to a social inferiority. It is safe to say that there would be retrogression or violent revolutions culminating in the overthrow of the Government and the establishment of a new industrial order and a new political system.

Mr. President, I believe that this incomparable land has been specially favored by Divine Providence; that it is the duty and the destiny of this Republic to lead the world, not by force but by example, by helpfulness and sympathy, which will cheerfully lead to an assumption of many of the burdens and sorrows of those who dwell in the shadows.

The spirit of the isolationist is that of weakness and conceit and superciliousness. There are too many Americans of that character. They think that we can learn nothing from other people; they are satisfied with "Main Street"; everything must be made at home and branded and labeled "America." Shakespeare is provincial and out of date; Goethe is obsolete; India, the home of moral philosophy and poetry, is barbarous. They would measure everything by a utilitarian if not a materialistic standard.

Mr. President, much is said in a flamboyant style about being "100 per cent American." I am somewhat suspicious of those who are always proclaiming their Americanism and their patriotic devotion to the Republic. Frenzied appeals of this character sometimes conceal ignoble purposes. I believe that a man can be an American in all that the term implies, and love his country with a devotion that ends only in death, and yet feel that he is a part of the world and owes a duty to the people of the world. I believe that a man can be a better American and will be willing to make greater sacrifices for his country if he believes that all people are the children of one common father; that justice and freedom are to be the inheritance of all; that righteousness will eventually cover the earth as the waters cover the mighty deep; and that this Nation under God is to carry high the standard of truth; is to be not only the leader but the servant, guiding and helping in the establishment of peace and the promotion of justice in all the world.

[At this point Mr. KING was interrupted by Mr. MCKINLEY.]

Mr. KING. Mr. President, I think there could be no greater evidence of a man's friendship for another than for a Democrat to yield the floor to a Republican to deliver a speech and to compel the former to sit by his side and listen to his cross-word puzzle speech in defense of the Republican Party—

Mr. WALSH of Massachusetts. And have it printed in the middle of his own speech.

Mr. KING. I hope the printer will put the first part of my speech and the part I am now about to deliver together, either before or after the speech of the Senator from Illinois.

Sensors will recall that I was addressing the Senate and had nearly concluded my observations when the Senator from Illinois [Mr. MCKINLEY], because of the fact that he was compelled to soon leave the Chamber, asked me to yield to him in order that he might deliver a prepared speech. I gladly yielded, and will now conclude what I have to say.

The Senator from Illinois has furnished me a text for a long speech, but I shall not avail myself of the text or consume much time of the Senate. The Senator must be a great optimist if he can find, as he declares, great comfort from the achievements of the Republican Party. His optimism reminds me of the definition of an optimist. It is "one who writes his cross-word puzzles in ink." [Laughter.]

In the remarks which I submitted before the interruption by the Senator I had referred to the provincial and Tory view of the Republicans and to the forces controlling the Republican Party, and to the movement now being inaugurated to enact a prohibitive tariff and make this Nation "self-contained."

The Senator from Illinois has referred to his connection with the Interparliamentary Union and to the many matters—

arising between the various nations, making it necessary that 20 nations should have some central agency called the League of Nations, World Court, or any proper name whereby the differences arising may be promptly and amicably settled.

He also states that our relations with these nations are so intimate that it seems proper that there should be some court that will bring us into proper contact with them.

Evidently the Senator has not yet felt the full sweep of this evil movement which is to isolate the United States from the rest of the world. He still worships at the shrine of protectionism, with all of the selfishness and sordidness that have inspired and still inspire the tariff policies of the Republican Party, and eulogizes in the speech which he has just delivered the Fordney-McCumber tariff bill, which is the worst tariff law ever enacted; but in the same breath he declares for the World Court and intimates that we should have "intimate relations" with European nations.

I beg to remind the Senator that the World Court was provided for by the League of Nations, which the Senator condemns, or at least he opposes the entrance of the United States into the League of Nations. The Senator is willing, apparently, for the League of Nations to function in Europe, but not elsewhere; and he approves of the United States, and doubtless all other nations, adhering to the World Court, though that great tribunal was organized pursuant to the provisions of the Versailles treaty and under the auspices of the League of Nations.

I am glad to know that the Senator still believes that we are to have contact with the world and that he is not in accord, at least at the present moment, with the mad scheme to destroy all commercial relations between the United States and other countries.

The Senator refers to the reduction in naval appropriations and states that by reason of the Conference on Limitation of Armament we have saved \$25,000,000 per annum. Mr. President, I think the Senator misconceives the scope and results of this conference. Our naval appropriations prior to the war were less than \$200,000,000 per annum. Our naval appropriations since the war have averaged more than \$300,000,000 annually. For the next fiscal year there will be directly appropriated approximately \$300,000,000, and the authorizations will total approximately \$100,000,000. Certainly the Senator can not take much comfort when he examines our naval budget.

It is true that under the terms of the treaty negotiated at the conference provision was made to limit the number of capital ships. There was no limitation, however, upon aircraft, submarines, cruisers, and many other forms of naval craft. The fact is that many of the greatest naval experts perceived that the capital ship was no longer to occupy the important place in naval programs that it had done in pre-war days. The war had shown the importance of submarines and airplanes and mines and how impotent battleships were when distant from their home ports and when unprotected by submarines, destroyers, airplanes, and other modern devices. The United States, as well as Japan, Great Britain, France, and Italy, are now expending large sums for submarines and airplanes and airplane carriers. It is believed by many that the gains from the conference are insignificant; that millions which would have been spent in battleships will now be expended for other naval craft. We know that Great Britain's budget for the next fiscal year calls for a very large appropriation to build submarines and airplanes. My recollection is that more than \$100,000,000 will be expended for this purpose alone. Japan is spending a very large sum for submarines and airplanes, and France has embarked upon a construction program for naval craft which will seriously embarrass her because of her present financial situation.

If I had time I think I could show the Senator that the Limitation of Armament Conference is not entitled to the high praise which he has awarded it.

I was somewhat amazed at the reference of the Senator to the World Court. He states that he favors the suggestion of the President that the United States should become a member of that tribunal. Mr. President, nearly two years ago I introduced a resolution in the Senate calling for an adherence upon the part of the United States to the protocol which would take our Nation into the World Court. This resolution received no support from the Republican Party. I do not recall a single Republican who favored it. The resolution contained the same provisions, stipulations, and reservations as were recommended by Secretary Hughes and adopted by President Harding. And I may add that President Coolidge has likewise adopted these reservations. I followed textually, as I recall, in the resolution which I offered, the reservations prepared by Secretary



Hughes. After considerable maneuvering I succeeded, over the opposition of the Republicans in the Senate, in obtaining a vote upon my resolution. Every Republican who voted voted against the resolution, including the Senator from Illinois. Every Democrat but three who voted supported my resolution.

On May 20, 1924, I offered the same resolution. It was referred to the Committee on Foreign Relations, where it has slumbered ever since. Hearings were had by that committee upon the question of entering the World Court, but it refused to report the resolution or a similar one, which was later offered by the Senator from Virginia [Mr. SWANSON]. Indeed, it is well known that the Republicans on the committee were opposed to my resolution, or to any step which would take our Nation into the World Court.

I submit that the Republican Party is opposed to that wise and proper step. It has indulged in a pious gesture, but has stubbornly refused to permit the United States to become a member of the World Court. Notwithstanding the fact that many of the liberal forces of the United States, great religious organizations, and millions of patriotic citizens have urged favorable action, Republican leaders refused and still refuse to pass the necessary resolution to accomplish that end. I challenge the good faith of Republicans when they say that their party favors the United States becoming a member of the World Court. The Democrats in the Senate have favored, and still favor, the admission to the statute of the Permanent Court of International Justice which was adopted by the Assembly of the League of Nations on December 13, 1920, and they will again demand action upon the resolution calling for our entrance into the World Court.

The Senator from Illinois praises the Fordney-McCumber tariff law. Mr. President, that iniquitous legislation was dictated by the tariff barons and the predatory interests. It imposed burdens upon the American people of more than \$4,000,000,000 annually. It robs the consumers and adds to the swollen fortunes of great corporations and monopolies. It increased the prices upon thousands of commodities essential to the life and welfare of the people. It interposed obstacles to the operation of the natural laws of supply and demand. It was a selfish, soulless, greedy law, under which the people were exploited by profiteering manufacturers and corporations.

The Senator says that it has furnished employment to the people. Statistics show that 20 per cent of labor is unemployed in the United States, and daily we are advised of a reduction of wages in manufacturing centers. I have collated figures, but I shall not take the time of the Senate to present them, showing that wages have been reduced from 5 to 20 per cent by the New England manufacturers since the last election. The chairman of the Republican National Committee, who is from Massachusetts, is engaged, as I understand, in the manufacturing business, as are several other Senators upon the other side of the aisle. I think they can verify what I have said concerning the reduction of wages in manufacturing industries in New England since the last election. Senators doubtless have seen newspaper reports, as I have seen them, stating that the prices of cotton and woolen goods and other manufactured products in this same district have been advanced or will be advanced from 5 to 10 per cent.

My genial friend from Illinois seems to derive great pleasure from the condition of agriculture under the Republican administration. It is interesting to observe that he says the Republican Party pledged itself to enact measures to place agricultural interests on a basis of economic equality with other industries, and he adds that the President proceeded to formulate plans for the relief and benefit of agriculture. He refers to the committee appointed by the President and to the comprehensive legislative program which has been submitted to carry out the pledge of the Republican Party made to the farmers before the election. Mr. President, if the situation of the farmers were not so serious one would be amused at the position of the Senator from Illinois. Senators will note that the Republican Party was pledged to aid the farmers, and that President Coolidge has formulated a plan to redeem that pledge, and then we are told that the pledge has been redeemed by the comprehensive plan submitted by the committee appointed by the President to investigate agricultural conditions.

It is this comprehensive program to which Mr. Mark Sullivan refers in the article which has formed the text of what I have said this morning. Senators will recall that this comprehensive plan calls for a policy of national isolation. The commission appointed by the President recommends that the tariff rates be raised to higher levels, that all agricultural products are to be excluded from the United States by an embargo, and, as a corollary, that an embargo be placed upon

all exports so that the United States can obtain that high standard of perfection and happiness and prosperity which will follow its severance of all relations with the rest of the world.

The Senator's inconsistency is strikingly revealed. He speaks of the Interparliamentary Union and the World Court, and then notes the plan which he says the President has formulated and which his party's platform was pledged to execute—a policy which literally, physically, and intellectually, culturally and spiritually, is to separate the United States from all other countries and people.

The Senator has confirmed all I have said about the purposes of the Republican Party. I denounce this plan as un-American, as violative of the principles of the Constitution, and as destructive of economic and political liberty. The American people when they perceive its pernicious features and its destructive and vicious consequences, I feel sure, will repudiate it, as they will those who are its sponsors and who are seeking to fasten it upon the American people.

Mr. President, the speech of the Senator from Illinois calls for a more extended reply, but I shall not consume more of the time of the Senate now in so doing. I want to briefly refer to another matter discussed by the Senator from North Carolina [Mr. SIMMONS].

The bill under discussion makes provision for the Tariff Commission. This agency of the Government can be of great service if it is properly organized, if its personnel are properly selected, and if its activities are confined to legitimate fields of inquiry.

For many years prior to the creation of this commission there was a demand by liberal and patriotic citizens that a tariff commission should be appointed, authorized to obtain facts in regard to the cost of production and cognate questions that would be helpful to Congress in enacting tariff legislation. There was a growing feeling that tariff bills had been drafted by those who would be benefited by high tariff rates. Indeed, it was known that many of the tariff schedules were written by protected interests. The rates fixed in many schedules had been placed so high as to practically exclude any foreign competition. The domestic producers were therefore given a free hand to rob and exploit the American consumers. These abuses could no longer continue. The Payne-Aldrich tariff law was denounced throughout the land as an oppressive and, indeed, a wicked measure. It was condemned by some Republicans, and Theodore Roosevelt, who was always a protectionist, felt compelled to denounce its iniquities. It was hoped that a tariff commission would make impossible the enactment of such unjust measures.

Mr. President, I submit that the facts warrant the statement that the Republican administration has attempted to make of this agency a partisan machine to aid in framing tariff measures that would permit the exploitation of the American consumers. It is evident that an effort is being made to convert this commission into an auxiliary agency of the protected interests in the United States. If that scheme is to be consummated, it would be better to abolish the commission. The commission should be a fact-finding organization. It should investigate the costs of production and obtain data useful in preparing tariff bills.

The tariff is not so intricate and so abstruse as to be beyond the comprehension of the ordinary man. Representatives of the protected interests have attempted to surround the tariff question with such mystery as to make people believe that it could only be penetrated by experts and persons skilled in the art of legerdemain. And it must be confessed that they have succeeded; and they have so drafted tariff schedules as to obscure the real meaning and hide provisions which made certain their opportunities to further exploit the people.

Undoubtedly at the next session of Congress a tariff bill will be considered. If the Tariff Commission had the confidence of the people, it could be an important aid in the preparation of such a measure. If those appointed by the President are selected because of their partisan views, or because they have been representatives of protected interests, or lobbyists before Congress to secure high tariff duties, then their work will be discredited in advance and their service to Congress and the country will be of no value. Indeed, it will prove harmful. It has been said that pressure has been brought to bear upon members of the Tariff Commission calculated to have them shape their course and their decisions along certain lines. In my opinion, those who would make such attempt commit a great wrong. The commission should be as free from bias and prejudice and extraneous influences as are judges. Particularly is this true in view of what are known as the flexible provisions of the tariff law. They and the President can make and un-

make tariff schedules; they can increase or lower the rates fixed by Congress. It is a tremendous power to vest in the President, a power which I think the Constitution does not authorize. Even if there was constitutional warrant for this course, it would, in my opinion, be exceedingly unwise. But its un wisdom is accentuated if the commission is partisan and is subject to pressure and political influences.

Mr. President, I express the hope that the Tariff Commission will faithfully meet its responsibilities and pursue a course that will vindicate the wisdom of those who created it.

#### REPORT OF AGRICULTURAL COMMISSION

Mr. BROOKHART. Mr. President, I ask unanimous consent to have printed in the Record an article from Wallace's Farmer upon the report of the President's agricultural commission. Wallace's Farmer is a paper formerly published by Secretary Wallace, deceased Secretary of Agriculture, now published by his brother and son.

The PRESIDING OFFICER (Mr. BURSUM in the chair). Is there objection to the printing of the article? The Chair hears none.

The matter referred to is here printed, as follows:

[From Wallace's Farmer]

#### THE COMMISSION REPORTS

Since President Coolidge's speech of acceptance last summer farm folks generally have awaited with some eagerness the results of the work of the agricultural commission, whose appointment he promised in that address. The delay in the appointment of the commission aroused some apprehension. More disquiet was occasioned when the names of the members of the commission were finally made public after election. It was quite clear from the make-up of the commission that Secretary Wallace had had very little to do with its selection; it was also quite clear that Secretary Hoover had had a good deal to do with it. The absence of corn-belt representatives from the board was also taken as a bad sign.

Farmers have hoped that the commission would realize its responsibility and its opportunity and would come through with a program that would get down to the fundamentals of the agricultural situation. The report is now out and farmers can see how far their hopes exceeded the reality.

In fairness to the commission it should be said that it has made some good recommendations. Its suggestions as to lower freight rates, tariff adjustments on farm products, funds for research are all right as far as they go. All these matters were before Congress anyway, as it happens, and the commission's recommendations will perhaps speed their passage.

Of the main feature of the report, the recommendation for setting up a governmental agency to supervise and control cooperatives, not so much can be said. This is Secretary Hoover's old Capper-Williams bill, slightly modified. It is a scheme that has been denounced by practically every important farm organization in the country. The cooperatives do not want it.

Why, then, the recommendation? As the proposal stands, it seems nothing more or less than a thinly disguised attempt to take marketing work out of the hands of the Department of Agriculture. All the things of value that the new bureau would do are already being done by the bureau of agricultural economics of the Department of Agriculture. The natural and economical step would be to strengthen this work rather than to set up a separate bureau. However, the purpose seems to be, not so much to strengthen cooperative marketing as to put supervision and guidance of cooperative marketing of farm products in the hands of the Department of Commerce.

The great failure of the commission, however, is its disregard of the really fundamental problem that lies at the bottom of unsatisfactory agricultural conditions to-day. So long as we produce a surplus of food products over what our home population can consume, and so long as the buying power of Europe is lower than the buying power of the home consumer, we are going to have our domestic prices brought down to the level of the European price, less freight and handling charges. That means disaster for the farmer. He can not afford to buy in a protected market and sell in a world market. Yet that is what he has been doing and is doing.

Apparently, the commission looked at this problem and threw up its hands and turned its back. Either it couldn't solve the problem, or, what is more likely, didn't dare try. Yet it had before it the plan submitted by the American council of agriculture, outlining a modified export plan which eliminated many of the objections of the old McNary-Haugen bill and offered a real chance to take the market depressing burden of the exportable surplus off the back of the American farmer.

It will seem incredible to thoughtful students of the agricultural situation that the commission refused to touch this issue. Yet there the record stands. But, although the commission refused to recognize it, the problem still exists. The farmer must face it, even if the commission declines to.

What can the farmer do to get rid of the depressing effect of this exportable surplus on the home market? He can, of course, in time get rid of the surplus itself. That may be the ultimate solution. But to restrict supply to domestic demand at once and in all lines, means a revolution in agriculture; such a reduction would be impossible except through such phenomenally low prices that thousands more of farmers would be made bankrupt and driven to the cities; it would mean a period of farm distress even worse than that we have been through. More than this, such a program involves a tremendous social waste. In a decade, our city population will be large enough to consume a quantity of food as large as that we are producing to-day. In a few years, therefore, our farmers who had been driven to the city by low prices would be lured back to dismantled farms by high prices.

Why not eliminate that social waste, prevent the bankruptcy of thousands of farmers, and aim to keep a certain small exportable surplus at least as a reserve against crop failure and population increase? The new export bill provides that the Government export corporation, acting through privately owned or cooperative concerns, shall take such steps as are necessary to maintain the domestic price of any farm product at a point at least as high as the world price plus the tariff. This is making the tariff effective on farm products; it is equality for agriculture; it is the logical answer to the export problem; it is also, unfortunately, what the President's commission refused to do.

The friends of the export plan have been very patient so far. They have declined to introduce their bill in Congress. They have insisted on giving the commission a fair chance to take the lead with its report. There is no reason now for further delay. We look for the new export bill to be introduced in Congress at once. Behind it should gather all the farmers of the country who are tired of being fed with pleasant words and clothed with good intentions. When they ask for speedy action on the export bill, they will ask for nothing more than equality with other industries; they will demand nothing less than justice. It is to the interest of all that they secure it.

#### PROPOSED CONSOLIDATIONS OF CERTAIN RAILROADS

Mr. HOWELL. Mr. President—

Mr. KING. I yield to the Senator from Nebraska.

Mr. HOWELL. I ask unanimous consent to introduce a resolution, which I send to the desk and ask to have read.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent to introduce a resolution. Without objection, the resolution will be received and read.

The resolution (S. Res. 338) was read, as follows:

Whereas there is now in process of formation a consolidation of the following railroads, namely, the New York, Chicago & St. Louis Railroad Co. (the Nickel Plate), the Chesapeake & Ohio Railway Co., the Hocking Valley Railway Co., the Erie Railroad Co., and the Pere Marquette Railway Co., with total trackage of 14,357 miles and assets alleged by the promoters to amount to an aggregate of \$1,406,763,792, the proposed consolidation being known in financial circles as "the new Nickel Plate"; and

Whereas this consolidation includes a previous merger consummated in 1923 whereby the "Nickel Plate" absorbed the Chicago & State Line, the Lake Erie & Western, the Fort Wayne, Cincinnati & Louisville, and the Toledo, St. Louis & Western (Clover Leaf) railroad companies; and

Whereas the fiscal agents and financial promoters of this plan are J. P. Morgan & Co. and the First National Bank of New York City, which already own or control a large part of the railroad properties located in the Eastern States as well as in other sections of the country; and

Whereas the proposed "Nickel Plate" consolidation under the announced plan will result in giving the Morgan-First National financiers, according to statements appearing in the financial columns of the New York American of August 9, 1924, control of railroads in the Eastern States alone with 37,000 miles of road and approximately \$3,000,000,000 of capital, thus creating a substantial control of transportation in this great industrial territory; and

Whereas the railroads included in the proposed Nickel Plate merger, particularly the Erie, Chesapeake & Ohio, and the Hocking Valley, are directly or indirectly owners of enormous and immensely valuable anthracite and bituminous coal properties, control of which it is indicated will be transferred in the proposed merger; and

Whereas the Supreme Court of the United States has denounced such control of coal mines by railroads as inimical to the public interest; and

Whereas the proposed consolidation by further concentrating this control of the Nation's fuel supply increasingly endangers the rights of the consuming public; and

Whereas the plan of consolidation now proposed by the Van Swearingen interests, with the support of the Morgan-First National banking groups, violates the plans of consolidation heretofore announced by the Interstate Commerce Commission under the authority conferred by section 5 of the interstate commerce act as amended by the trans-



portation act of 1920, and if carried out along the lines now laid down will make it impossible for the commission to provide for effectively competing systems in the territory traversed by the proposed consolidation; and

Whereas Commissioners Eastman, Hall, and Esch, in a vigorous dissenting opinion filed June 18, 1923, in the case of the preceding Nickel Plate-Clover Leaf consolidation (finance docket No. 2919), denounced that lesser merger as inimical to the public interest and a violation of the intent of Congress as declared in the transportation act; and

Whereas the majority of the Interstate Commerce Commission in their decision in this Nickel Plate-Clover Leaf consolidation case declared their inability to restrain or modify mergers consummated under State laws, and thus apparently abdicated the broad powers conferred upon said commission by section 5 of the interstate commerce act; and

Whereas the Interstate Commerce Commission in its recent decision in the case of control of Gulf lines by Missouri Pacific Railroad (finance docket No. 4049), in pointing out that certain bankers—W. A. Harriman & Co. (Inc.) and Blair & Co. (Inc.)—under the proposed terms would make an unwarranted profit of \$1,225,000 on the total issue of \$18,000,000, has declared: "There are certain aspects of the method by which it is proposed that the applicant shall acquire the stock in question which are so unfortunate as to cause hesitancy in giving approval to the acquisition of the stock involved on the terms proposed"; and

Whereas the majority of the commission, in spite of the powers expressly conferred upon it by paragraph 6 of section 5 of the interstate commerce act to approve such consolidations, "with such modifications and upon such terms and conditions as it may prescribe," has declared, "We have no jurisdiction to determine the compensation which the bankers should receive," and over the vigorous dissenting opinions of Commissioners Eastman, McManamy, and Campbell has after only five days' consideration given its sanction to such excessive underwriting commissions and thus set a precedent which unjustly reduces the profits of honest investors, imposes excessive charges upon shippers and the traveling public, and obstructs the payment of just and reasonable wages to employees; and

Whereas the New York Times of December 12, 1924, has stated in its financial columns that the profits of the bankers in the Missouri Pacific-Gulf Coast merger will actually be \$3,250,000 on the \$18,000,000 stock issue instead of \$1,225,000, as estimated by the commission; and

Whereas it is apparent from the above decisions of the Interstate Commerce Commission that it feels powerless under existing conditions to cope with the problems presented by such consolidations; and

Whereas the negotiations in the proposed "Nickel Plate" consolidation are now being privately conducted by the promoters, who reveal the terms and conditions only when they are accomplished facts; and

Whereas the precedents established in these consolidations which are now taking place will control future consolidations which may ultimately embrace all the railroads of the Nation; and

Whereas the public interest demands that the Congress should inform itself fully regarding such consolidations and take such steps as may be necessary in the premises:

*Resolved*, That the Senate Committee on Interstate Commerce, or any subcommittee thereof, be, and it is hereby, authorized and instructed in connection with its proposed inquiry into the general question of railroad consolidations to investigate particularly the proposed consolidation of the New York, Chicago & St. Louis Railroad, the Chesapeake & Ohio Railway Co., the Hocking Valley Railway Co., the Erie Railroad Co., and the Pere Marquette Railway Co., and the consolidations which have been or are now being consummated by the Missouri Pacific Railroad, and report its findings and recommendations to the Senate. For the purpose of this investigation the said committee, or any subcommittee thereof, is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpoenas or otherwise, to require the production of books, papers, and documents; to employ experts and other assistants; and to employ stenographers, at a cost not exceeding \$1.25 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpoenas for witnesses, and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HOWELL. I ask that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. The resolution will be so referred.

#### QUARANTINE STATION AT PORT OF MOBILE, ALA.

Mr. JONES of Washington. Mr. President—

Mr. KING. I yield to the Senator from Washington.

Mr. JONES of Washington. Out of order, I ask unanimous consent to report back favorably, with an amendment, from the Committee on Commerce, House bill 8090, authorizing the Secretary of the Treasury to remove the quarantine station now situated at Fort Morgan, Ala., to Sand Island, near the entrance to the port of Mobile, Ala., and to construct thereon a new quarantine station; and I submit a report (No. 1103) thereon. I call the attention of the Senator from Alabama [Mr. UNDERWOOD] to the bill.

The PRESIDENT pro tempore. Is there a request for the present consideration of the bill?

Mr. UNDERWOOD. Mr. President, I ask unanimous consent for the present consideration of the bill, for this reason: Mobile, of course, is one of the ports of entry from South America. It is one of the guarding gates against yellow fever and other diseases of that kind. The storms have practically destroyed the quarantine station at Fort Morgan. The Treasury Department has thought it ill-advised to rebuild the station at Fort Morgan, which is 18 miles down the bay from Mobile, and subject to storms, for that reason and also for the reason that the Army has abandoned Fort Morgan, and there is no transportation down there, and if it is continued the Army must establish transportation service to the quarantine station. So they have recommended the erection of the station on this island, right in front of Mobile.

It is urgent, and something should be done. The State of Alabama has given the land on which the building is to be erected. The House passed the bill with an authorization for the appropriation of \$500,000. The Senate committee, I understand, unanimously recommended the passage of the bill, but cut the authorization to \$300,000. It is very urgent that this action should be taken at once. The authorization must be made before the appropriation can go into an appropriation bill. I therefore ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, on page 2, line 2, before the word "which," to strike out "\$500,000" and insert "\$300,000," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and is hereby, authorized and directed to cause to be constructed on a site now owned by the United States Government on Sand Island, near the entrance of the port of Mobile, Ala., or on such site on this island as may hereafter be ceded to the United States by the State of Alabama, a quarantine station at a cost for station, dredging, and all other improvements and appurtenances provided for by this act not exceeding \$300,000, which amount is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated; and the Secretary of the Treasury is hereby further authorized to accept title for and on behalf of the United States to such additional lands on Sand Island as may be ceded by the State of Alabama to the United States for use as a national quarantine station as aforesaid.

Sec. 2. That the said quarantine station shall include such wharves, bulkheads, buildings and equipment, water supply, electric-lighting system, telephone cable, heating and sewage systems, and the dredging of a channel leading to the proposed wharves, and such other facilities as may be deemed necessary by the Secretary of the Treasury for the proper operation of a quarantine station: *Provided*, That \$40,000 of the amount herein authorized to be appropriated may be used for miscellaneous furnishing and equipment.

Sec. 3. That the Secretary of the Treasury be, and is hereby, authorized to transfer and remove such furniture, equipment, articles, and materials as may be useful in the construction and equipment of the new quarantine station at Sand Island, Ala., from the quarantine station now maintained at Fort Morgan, Ala., and make such disposition of the building, site, and equipment at Fort Morgan, Ala., at such time and on such terms as he may deem to be to the best interests of the Government.

Mr. HEFLIN. Mr. President, may I ask the Senator from Washington why the amount was cut down to \$300,000? I understand that as the bill came from the House it authorized an appropriation of \$500,000.

Mr. JONES of Washington. The Secretary of the Treasury looked into the matter very carefully and reported to the committee that he thought he could take care of the situation properly with \$300,000, and for that reason we cut it down to that amount.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### USE OF GOVERNMENT-OWNED RADIO STATIONS

Mr. JONES of Washington. Mr. President, will the Senator from Utah yield?

Mr. KING. I yield to the Senator.

Mr. JONES of Washington. Mr. President, there are two other measures I desire to report from the Committee on Commerce, and I shall ask unanimous consent for their immediate consideration.

The first one is Senate Joint Resolution 177, to amend section 2 of the public resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved April 14, 1922. I report it without amendment, and I submit a report (No. 1104) thereon.

Mr. WARREN. Mr. President, if the Senator will allow me, I notice that the Senator from Utah [Mr. KING] is rather assuming to farm out his time without losing his place on the floor. It is useless to attempt to proceed further with the appropriation bill this evening, and I ask that the bill be laid aside, with the understanding that we will recess at the conclusion of our business to-day. Therefore the Senator from Washington may proceed with his bill.

Mr. KING. I want to call the attention of the Senator from Wyoming to the rather unfair language which he uses. I am not "farming out" my time. As a matter of courtesy I yielded to several of his colleagues at their request. If the Senator wants to find fault with them, he can do so. I yield to the Senator from Washington.

Mr. JONES of Washington. I spoke to the Senator from Utah about the matter.

Mr. ROBINSON. I suggest to the Senator from Washington that he have the bills reported separately, so that we may consider them one at a time.

Mr. WARREN. The appropriation bill may be laid aside for the day, so far as I am concerned.

The PRESIDENT pro tempore. As the Chair understands, the Senator from Wyoming lays aside the appropriation bill with which the Senate has been proceeding.

Mr. SMOOT. For the evening.

Mr. JONES of Washington. The first measure I report is Senate Joint Resolution 177, extending the time limit for the use of Government-owned radio stations for certain purposes.

Under the law as it exists now, the Navy radio stations are used for the transmission of messages other than Government messages, commercial and otherwise. The time within which that can be done will expire June 30, 1925. There are certain private radio stations being constructed, but they have not been completed and probably will not be completed for over a year. It is very important, of course, that messages be sent, and this is especially true of messages to be sent across the Pacific to the Far East.

This joint resolution would extend the time until 1926 for the transmission by the Government radio of news items, press items, and messages between ships offshore and the shore. I present the report and ask for the immediate consideration of the joint resolution.

Mr. ROBINSON. I do not see any objection to the present consideration of the joint resolution.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

*Resolved, etc.,* That section 2 of public resolution No. 48, Sixty-seventh Congress, approved April 14, 1922, is amended to read as follows:

"Sec. 2. The Secretary of the Navy is hereby authorized, under the terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Interstate Commerce Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department (a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States in foreign countries, or by any press association of the United States, and (b) for the reception and transmission of private commercial messages between ships and between ship and shore: *Provided*, That the rates fixed for the reception and transmission of all such messages, other than press messages between the Pacific coast of the United States, Hawaii, Alaska, the Philippine Islands, the Virgin Islands, and the Orient, shall not be

less than the rates charged by privately owned and operated stations for like messages and service: *Provided further*, That the right to use such stations for any of the purposes named in this section shall terminate and cease as between any countries or localities or between any locality and privately operated ships whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the Secretary of Commerce shall have notified the Secretary of the Navy thereof, and in any event all rights conferred by this section shall terminate and cease on June 30, 1927, except that all such rights conferred by this section in the Republic of China shall terminate and cease on January 1, 1924."

Mr. FLETCHER. Is the joint resolution recommended by the department?

Mr. JONES of Washington. It is recommended by the department.

Mr. ROBINSON. And it was unanimously reported by the committee?

Mr. JONES of Washington. Yes; unanimously reported.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### HOME PORTS FOR VESSELS

Mr. JONES of Washington. Mr. President, I report also from the Committee on Commerce the bill (S. 4162) to establish home ports of vessels of the United States, to validate documents relating to such vessels, and for other purposes, and I submit a report (No. 1105) thereon.

This bill relates to home ports of vessels, and an enactment of such legislation is made necessary by a recent decision of the circuit court of appeals, under which the validity of mortgages on vessels is very greatly endangered.

I will read from the report of the Secretary:

This bill \* \* \* has been approved after very close consideration by the Maritime Law Association of the United States, the Shipping Board, representatives of the Ship Owners' Association, the Lake Carriers' Association of the Great Lakes, various admiralty firms interested in the subject, and by this department, as meeting the emergency caused by the decision of the circuit court of appeals at Norfolk in a very recent case of the *Susana*.

Mr. ROBINSON. Can the Senator state what the bill would accomplish, what change in existing law it would make?

Mr. JONES of Washington. This is the effect of the decision, as stated by the Secretary.

The effect of the decision is this:

A mortgage recorded in the port of New York upon a vessel owned by a Delaware corporation is invalid as to third parties, whether as a preferred mortgage or as an ordinary mortgage, even though the vessel is documented at the port of New York.

Again:

A vessel owned by a New York corporation and duly documented at the port of New York loses its status as a vessel of the United States if it is sold to a Delaware corporation and is not redocumented at a port in Delaware.

A mortgage, whether preferred or ordinary, upon a vessel which has lost her status as a vessel of the United States is invalid as to third parties.

That is, under this decision. It is said further:

There are at present 152 corporations operating 803 vessels of over 3,000,000 gross tons which are improperly documented under this decision. \* \* \*

The bill speaks for itself, really, and provides as follows:

*Be it enacted, etc.,* That for the purposes of the navigation laws of the United States and of the ship mortgage act, 1920, otherwise known as section 30 of the merchant marine act, 1920, every vessel of the United States shall have a "home port" in the United States, including Alaska, Hawaii, and Porto Rico, which port the owner of such vessel, subject to the approval of the commissioner of navigation of the Department of Commerce, shall specifically fix and determine, and subject to such approval may from time to time change. Such home port shall be shown in the register, enrollment, and license, or license of such vessel, which documents, respectively, are hereinafter referred to as the vessel's document. The home port shown in the document of any vessel of the United States in force at the time of the approval of this act shall be deemed to have been fixed and determined in accordance with the provisions hereof. Section 4141 of the Revised Statutes is hereby amended to conform herewith.

SEC. 2. No bill of sale, conveyance, mortgage, assignment of mortgage, or hypothecation (except bottomry), which includes a vessel of the United States or any portion thereof, shall be valid in respect to such vessel against any person other than the grantor or mortgagor,



his heirs or devisees, and any person having actual notice thereof, until such bill of sale, conveyance, mortgage, assignment of mortgage, or hypothecation is recorded in the office of the collector of customs at the home port of such vessel. Any bill of sale or conveyance of the whole or any part of a vessel shall be recorded at the home port of such vessel as shown in her new document.

SEC. 3. All conveyances and mortgages of any vessel or any part thereof, and all documentations, recordings, indorsements, and indexing thereof, and proceedings incidental thereto heretofore made or done, are hereby declared valid to the extent they would have been valid if the port or ports at which said vessel has in fact been documented from time to time had been the port or ports at which it should have been documented in accordance with law; and this section is hereby declared retroactive so as to accomplish such validation: *Provided*, That nothing herein contained shall be construed to deprive any person of any vested right.

SEC. 4. Wherever in the ship mortgage act, 1920, otherwise known as section 30 of the merchant marine act, 1920, the words "port of documentation" are used they shall be deemed to mean the "home port" of the vessel, except that the words "port of documentation" shall not include a port in which a temporary document is issued.

SEC. 5. All such provisions of the navigation laws of the United States and of the ship mortgage act, 1920, otherwise known as section 30 of the merchant marine act, 1920, as are in conflict with this act are hereby amended to conform herewith.

This bill is designed to correct the decision to which I have referred. I have a letter from the judge who rendered the decision urging that such legislation be enacted.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SUITS FOR DAMAGES CAUSED BY UNITED STATES VESSELS

Mr. BAYARD. Mr. President, I ask unanimous consent for the immediate consideration of House bill 9535, authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment in section 1, page 1, line 9, after the word "April," to strike out "1920" and insert "1917," so as to make the bill read:

*Be it enacted, etc.*, That a libel in personam in admiralty may be brought against the United States, or a petition impleading the United States, for damages caused by a public vessel of the United States, and for compensation for towage and salvage services, including contract salvage, rendered to a public vessel of the United States: *Provided*, That the cause of action arose after the 6th day of April, 1917.

SEC. 2. That such suit shall be brought in the district court of the United States for the district in which the vessel or cargo charged with creating the liability is found within the United States, or if such vessel or cargo be outside the territorial waters of the United States, then in the district court of the United States for the district in which the parties so suing, or any of them, reside or have an office for the transaction of business in the United States; or in case none of such parties reside or have an office for the transaction of business in the United States, and such vessel or cargo be outside the territorial waters of the United States, then in any district court of the United States. Such suits shall be subject to and proceed in accordance with the provisions of an act entitled "An act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes," approved March 9, 1920, or any amendment thereof, in so far as the same are not inconsistent herewith, except that no interest shall be allowed on any claim up to the time of the rendition of judgment unless upon a contract expressly stipulating for the payment of interest.

SEC. 3. That in the event of the United States filing a libel in rem or in personam in admiralty for damages caused by a privately owned vessel, the owner of such vessel, or his successors in interest, may file a cross libel in personam or claim a set-off or counterclaim against the United States in such suit for and on account of any damages arising out of the same subject matter or cause of action: *Provided*, That whenever a cross libel is filed for any cause of action for which the original libel is filed by authority of this act, the respondent in the cross libel shall give security in the usual amount and form to

respond to the claim set forth in said cross libel unless the court, for cause shown, shall otherwise direct; and all proceedings on the original libel shall be stayed until such security shall be given.

SEC. 4. That no officer or member of the crew of any public vessel of the United States may be subpoenaed in connection with any suit authorized under this act without the consent of the secretary of the department or the head of any independent establishment of the Government having control of the vessel at the time the cause of action arose, or of the master or commanding officer of such vessel at the time of the issuance of such subpoena.

SEC. 5. That no suit may be brought under this act by a national of any foreign government unless it shall appear to the satisfaction of the court in which suit is brought that said government, under similar circumstances, allows nationals of the United States to sue in its courts.

SEC. 6. That the Attorney General of the United States is hereby authorized to arbitrate, compromise, or settle any claim on which a libel or cross libel would lie under the provisions of this act, and for which a libel or cross libel has actually been filed.

SEC. 7. That any final judgment rendered on any libel or cross libel herein authorized, and any settlement had and agreed to under the provisions of section 6 of this act, shall, upon presentation of a duly authenticated copy thereof, be paid by the proper accounting officer of the United States out of any moneys in the Treasury of the United States appropriated therefor by Congress.

SEC. 8. Nothing contained in this act shall be construed to recognize the existence of or as creating a lien against any public vessel of the United States.

SEC. 9. The United States shall be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners, charterers, operators, or agents of vessels.

SEC. 10. That the Attorney General of the United States shall report to the Congress at each session thereof all suits in which final judgment shall have been rendered and all claims which shall have been settled under this act.

Mr. ROBINSON. I think the Senator from Delaware should state briefly to the Senate the effect of the bill. It seems to be a measure of considerable importance.

Mr. BAYARD. Mr. President, the Senator from Arkansas is quite right; it is a measure of great importance. There are continuous applications being made to the Claims Committee of both Houses for the consideration of bills to reimburse people who have suffered damage from maritime accidents in which United States vessels are concerned, to enable them to present their suits in the various district courts. In this last Congress there were nearly 200 such claim bills introduced in the two Houses.

Outside of that, there are many claims which must be settled by the Department of State, because our own nationals are forbidden going into our own courts, and the nationals of other countries can not come in, and this bill is to remedy that situation. It would give a person aggrieved because of an accident by reason of the shortcomings of a United States ship the right to go into a district court and prosecute his action. It provides for the appearance of the Attorney General of the United States, and all maritime accidents of any kind resulting from collision, and so on, are taken care of. A great deal of money would be saved to the Government.

Incidentally, the bill would accomplish something which should have been done in this country a long time ago. It would give an opportunity to do justice when Federal employees have committed an offense against an individual. It is recommended by the Secretary of State, the Department of Commerce, by the Shipping Board, by the Navy Department, and by the War Department.

Mr. ROBINSON. If enacted, it would relieve Congress of the consideration of a great many measures in the nature of private claims.

Mr. BAYARD. All claims of this nature.

Mr. ROBINSON. The report is unanimous?

Mr. BAYARD. It is unanimous. The bill passed the House unanimously a short time ago.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### PURCHASE OF UNAPPROPRIATED PUBLIC LANDS

Mr. BROUSSARD. Mr. President, I ask unanimous consent for the present consideration of House bill 9765, granting to certain claimants the preference right to purchase unappropriated public lands.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Public Lands and Surveys with amendments, which were, in section 1, page 1, line 10, to strike out "or whose predecessor in interest" and insert "or whose ancestors in title"; on page 2, line 11, after the word "from," to insert "official notice to such claimant of"; in line 15, after the word "claimant," to insert "or in the actual possession of a person or persons who have improved the property and who have attempted to enter same in compliance with the laws and regulations of the United States land office"; and on page 3, line 7, after the word "within," to strike out "30 days" and insert "6 months," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner hereinafter provided, any of those lands situated in the State of Louisiana which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws.

That any citizen of the United States who, or whose ancestors in title in good faith under color of title or claiming as a riparian owner has, prior to this act, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this act, shall have a preferred right to file in the office of the register and receiver of the United States land office of the district in which the lands are situated, an application to purchase the lands thus improved by them at any time within 90 days from the date of the passage of this act if the lands have been surveyed and plats filed in the United States land office; otherwise within 90 days from official notice to such claimant of the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant or in the actual possession of a person or persons who have improved the property and who have attempted to enter same in compliance with the laws and regulations of the United States land office.

That upon the filing of an application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

That an applicant who applies to purchase lands under the provisions of this act, in order to be entitled to receive a patent, must within six months from receipt of notice of appraisal by the Secretary of the Interior pay to the receiver of the United States land office of the district in which the lands are situated the appraised price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this act. The proceeds derived by the Government from the sale of the lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

That the Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this act and determining conflicting claims arising hereunder.

Sec. 2. That all purchases made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal, oil, gas, and other minerals in the lands so purchased and patented, together with the right to prospect for, mine, and remove the same.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

#### RECESS

Mr. CURTIS. I move that the Senate take a recess until tomorrow at 12 o'clock.

The motion was agreed to; and the Senate (at 5 o'clock p. m.) took a recess until tomorrow, Friday, February 13, 1925, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate February 12 (legislative day of February 3), 1925*

#### PROMOTIONS IN THE NAVY

##### MARINE CORPS

The following-named noncommissioned officers to be second lieutenants in the Marine Corps for a probationary period of two years from the 9th day of February, 1925:

Corpl. Milo R. Carroll.  
Corpl. Floyd A. Stephenson.  
Corpl. Homer L. Litzberg, jr.  
Corpl. Wilbert S. Brown.  
Sergt. Samuel S. Ballentine.  
Gunnery Sergt. Theodore B. Millard.  
Corpl. David K. Claude.  
Corpl. Albert L. Gardner.  
Corpl. James P. S. Devereux.  
Corpl. Robert C. Orrison.

##### POSTMASTERS

##### GEORGIA

Tilden A. Adkins to be postmaster at Vienna, Ga., in place of T. A. Adkins. Incumbent's commission expired July 28, 1923.  
Robert H. Manson to be postmaster at Darien, Ga., in place of R. W. Clancy. Incumbent's commission expired February 20, 1924.

##### FLORIDA

Richard E. Damon to be postmaster at Jupiter, Fla., in place of Ethel Sims, resigned.  
Mima Gurganious to be postmaster at Lacoochee, Fla. Office became presidential January 1, 1925.

##### ILLINOIS

Richard C. Hills to be postmaster at Franklin, Ill., in place of C. F. Miller, removed.  
William A. Spickerman to be postmaster at Oak Park, Ill., in place of Robert Sherrard. Incumbent's commission expired March 9, 1924.

##### INDIANA

Minard A. Schutt to be postmaster at Michigan City, Ind., in place of H. F. Schaal, deceased.  
Fred D. Huff to be postmaster at Mellott, Ind. Office became presidential October 1, 1924.

##### KANSAS

Alex F. Holmgren to be postmaster at Lincolnville, Kans. Office became presidential July 1, 1924.

##### LOUISIANA

Joseph C. Ballay to be postmaster at Buras, La. Office became presidential January 1, 1925.

##### MASSACHUSETTS

Charles W. Cole to be postmaster at Dighton, Mass. Office became presidential January 1, 1925.

##### MINNESOTA

George H. Hopkins to be postmaster at Battle Lake, Minn., in place of G. H. Hopkins. Incumbent's commission expired May 28, 1924.  
Theodore Thoennes to be postmaster at Ogema, Minn. Office became presidential July 1, 1924.

##### MISSISSIPPI

Andrew V. Lamar to be postmaster at Vardaman, Miss., in place of A. V. Lamar. Incumbent's commission expired June 4, 1924.

Tommie A. Hamill to be postmaster at Sturgis, Miss., in place of T. A. Hamill. Incumbent's commission expired June 4, 1924.  
James F. Jones to be postmaster at Shubuta, Miss., in place of J. F. Jones. Incumbent's commission expired January 28, 1924.

Sarah M. Gryder to be postmaster at Shannon, Miss., in place of J. H. Wiygul. Incumbent's commission expired January 28, 1924.

James W. Bell, jr., to be postmaster at University, Miss., in place of W. C. Falkner, resigned.

William P. Jones to be postmaster at Terry, Miss., in place of S. B. Thomas, resigned.

Katherine M. Alvis to be postmaster at Rienzi, Miss., in place of J. McF. Curlee, appointee declined.

Fred W. Whitfield to be postmaster at Picayune, Miss., in place of L. J. Megehee, resigned.

Johnnie L. Posey to be postmaster at Philadelphia, Miss., in place of T. C. Barrier, deceased.



Robert J. Delpit to be postmaster at Pass Christian, Miss., in place of E. J. Adam, resigned.

Albert S. Johnston to be postmaster at Carthage, Miss., in place of L. V. Stribling, resigned.

Maude Barton to be postmaster at Mathiston, Miss., in place of W. L. Atkins, resigned.

Albert S. Russell to be postmaster at Magee, Miss., in place of A. P. Russell, resigned.

Wiley S. Davis to be postmaster at Lyman, Miss., in place of W. L. Fox, resigned.

Sara B. Townes to be postmaster at Glendora, Miss., in place of M. U. Dollins, removed.

John R. Terry to be postmaster at Dundee, Miss., in place of S. L. Pake, resigned.

William T. Pearce to be postmaster at Amory, Miss., in place of H. F. Clarke, deceased.

Thomas W. Cooper to be postmaster at Purvis, Miss., in place of T. W. Cooper. Incumbent's commission expired February 4, 1924.

Virginia B. Buckworth to be postmaster at Prentiss, Miss., in place of V. B. Buckworth. Incumbent's commission expired July 28, 1923.

Elma M. Lindinger to be postmaster at Pascagoula, Miss., in place of W. T. Sparkman. Incumbent's commission expired January 28, 1924.

John P. Edwards to be postmaster at Ocean Springs, Miss., in place of L. M. McClure. Incumbent's commission expired July 28, 1923.

Carson Hughes to be postmaster at Oakland, Miss., in place of Carson Hughes. Incumbent's commission expired January 28, 1924.

Pearl Young to be postmaster at Noxapater, Miss., in place of Pearl Young. Incumbent's commission expired June 2, 1924.

Fred H. Laseter to be postmaster at Morton, Miss., in place of Nannie Stuart. Incumbent's commission expired August 20, 1923.

Willis L. Malley to be postmaster at Merigold, Miss., in place of H. R. Tatum. Incumbent's commission expired June 4, 1924.

Maggie E. Sullivan to be postmaster at Meadville, Miss., in place of M. E. Sullivan. Incumbent's commission expired June 4, 1924.

Thomas C. Moore to be postmaster at Macon, Miss., in place of H. H. Hunter. Incumbent's commission expired February 18, 1924.

Emmett L. Van Landingham to be postmaster at McCool, Miss., in place of H. M. Drane. Incumbent's commission expired June 4, 1924.

Walter L. Holmes to be postmaster at McComb, Miss., in place of W. W. Holmes. Incumbent's commission expired June 4, 1924.

Isaac N. Joyner to be postmaster at Houlika, Miss., in place of M. S. Walker. Incumbent's commission expired January 28, 1924.

Sarah L. Townsend to be postmaster at Holcomb, Miss., in place of S. L. Townsend. Incumbent's commission expired January 28, 1924.

Jefferson D. Fogg to be postmaster at Hernando, Miss., in place of J. D. Fogg. Incumbent's commission expired June 4, 1924.

Bennett A. Truly to be postmaster at Fayette, Miss., in place of B. A. Truly. Incumbent's commission expired June 4, 1924.

Bessie H. Ballard to be postmaster at Edwards, Miss., in place of M. L. Tatum. Incumbent's commission expired June 4, 1924.

Minnie Davis to be postmaster at Duncan, Miss., in place of Minnie Davis. Incumbent's commission expired June 4, 1924.

Mellon E. Daniel to be postmaster at Dio, Miss., in place of M. E. Daniel. Incumbent's commission expired June 2, 1924.

Robert F. McMullan to be postmaster at Decatur, Miss., in place of McCreight Dansby. Incumbent's commission expired August 20, 1923.

Harry L. Callicott to be postmaster at Coldwater, Miss., in place of H. L. Callicott. Incumbent's commission expired June 4, 1924.

James G. Carr to be postmaster at Centerville, Miss., in place of A. J. Darden. Incumbent's commission expired June 5, 1924.

Reid R. Williams to be postmaster at Arcola, Miss., in place of C. B. Lee. Incumbent's commission expired January 28, 1924.

Katie Starling to be postmaster at Walnut Grove, Miss. Office became presidential July 1, 1924.

Frances E. Clay to be postmaster at Vance, Miss. Office became presidential January 1, 1924.

John R. Trimm to be postmaster at Tishomingo, Miss. Office became presidential January 1, 1924.

David W. Gillis to be postmaster at Sledge, Miss. Office became presidential April 1, 1924.

Mary S. Graves to be postmaster at Roxie, Miss. Office became presidential July 1, 1924.

Elisha E. Petty to be postmaster at Pheba, Miss. Office became presidential October 1, 1923.

Minnie T. Brown to be postmaster at Overt, Miss. Office became presidential October 1, 1924.

Allie B. Terry to be postmaster at New Augusta, Miss. Office became presidential October 1, 1924.

Josephine J. Dent to be postmaster at Morgan City, Miss. Office became presidential April 1, 1924.

Marcus B. Stroud to be postmaster at Louise, Miss. Office became presidential October 1, 1923.

Dan Cohn to be postmaster at Lorman, Miss. Office became presidential October 1, 1923.

William B. Stone to be postmaster at Fulton, Miss. Office became presidential October 1, 1923.

Aaron B. Johnston to be postmaster at Enid, Miss. Office became presidential October 1, 1923.

Joseph M. Scrivner to be postmaster at Derma, Miss. Office became presidential January 1, 1924.

Clarence L. Fleming to be postmaster at Crandall, Miss. Office became presidential July 1, 1924.

Victor B. Garraway to be postmaster at Bassfield, Miss. Office became presidential October 1, 1924.

James W. Gresham to be postmaster at Ashland, Miss. Office became presidential January 1, 1925.

#### NEW HAMPSHIRE

Blanche W. Drew to be postmaster at Intervale, N. H., in place of W. H. Drew, deceased.

#### NEBRASKA

John R. Bolte to be postmaster at Snyder, Nebr. Office became presidential October 1, 1923.

Cyril Svoboda to be postmaster at Prague, Nebr. Office became presidential October 1, 1924.

Ernest E. Goding to be postmaster at Dix, Nebr. Office became presidential October 1, 1924.

#### NORTH DAKOTA

Edwin O. Larson to be postmaster at Crosby, N. Dak., in place of E. O. Larson. Incumbent's commission expired January 23, 1924.

Carrie E. Kempshall to be postmaster at Taylor, N. Dak., in place of W. E. Kempshall, deceased.

Jacob Krier to be postmaster at Gladstone, N. Dak. Office became presidential April 1, 1923.

#### OKLAHOMA

James M. Baggett to be postmaster at Tuskahoma, Okla. Office became presidential October 1, 1924.

#### PENNSYLVANIA

Jeremiah H. Fetzer to be postmaster at Coopersburg, Pa., in place of J. H. Fetzer. Incumbent's commission expired April 13, 1924.

Arthur J. Davis to be postmaster at Noxen, Pa. Office became presidential January 1, 1925.

#### TEXAS

Raymund Mullen to be postmaster at Taft, Tex., in place of A. L. Williams, resigned.

Floyd W. Holder to be postmaster at Breckenridge, Tex., in place of G. R. McManis, resigned.

Elmer L. McFarland to be postmaster at Wingate, Tex. Office became presidential October 1, 1924.

#### WEST VIRGINIA

Delphy M. Legg to be postmaster at Fayetteville, W. Va., in place of J. S. Phipps, resigned.

John H. Shay to be postmaster at Star City, W. Va. Office became presidential October 1, 1924.

Alvin H. Perdew to be postmaster at Dorothy, W. Va. Office became presidential October 1, 1924.

#### WISCONSIN

Grace R. Morgan to be postmaster at Spring Green, Wis., in place of Thomas McNulty. Incumbent's commission expired March 22, 1924.

Lizzie J. Riley to be postmaster at Wilson, Wis. Office became presidential January 1, 1923.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate February 12 (legislative day of February 5), 1925*

## POSTMASTERS

## ALABAMA

John W. Owen, Red Level.  
Rupert M. Bearden, West Blocton.

## CALIFORNIA

Eugene L. Ely, Kentfield.

## CONNECTICUT

S. Irving Frink, Brooklyn.

## MAINE

Nettie A. True, New Gloucester.

## OHIO

Cephas S. Littick, Dresden.  
George W. Overmyer, Lindsey.  
M. Virgil Smith, Proctorville.

## OKLAHOMA

Oscar F. Fowler, Redrock.

## OREGON

Theresa Scott, Jordan Valley.

## WASHINGTON

Ruth Randall, Prescott.

## HOUSE OF REPRESENTATIVES

THURSDAY, February 12, 1925

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Have mercy upon us, O Lord, according to Thy loving kindness and our necessities. Impress us that usefulness and happiness are made secure only when eternal truth are held in reverence and everlasting laws obeyed. Speak to us as in the days of old, as in humility and yet in eagerness we wait for Thy blessing. Send us forth for a day of service that shall bring good to our country and reflect credit upon us as its chosen servants. Amen.

The Journal of the proceedings of yesterday was read and approved.

## CHINA TRADE ACT 1922

Mr. SNELL, from the Committee on Rules, submitted a privileged report (H. Res. 382) for the consideration of H. R. 7190, to amend the China trade act of 1922, which was referred to the House Calendar.

## VISÉ FEES.

Mr. SNELL, from the Committee on Rules, also submitted a privileged report (H. Res. 436) providing for the consideration of H. R. 11957, to authorize the President in certain cases to modify visé fees, which was referred to the House Calendar.

## HOBOKEN SHORE LINE

Mr. SNELL, from the Committee on Rules, also submitted a privileged report (H. Res. 437) providing for the consideration of S. 2287, to permit the Secretary of War to dispose of and the Port of New York Authority to acquire the Hoboken Shore Line, which was referred to the House Calendar.

## MIGRATORY BIRDS

Mr. SNELL, from the Committee on Rules, also submitted a privileged report (H. Res. 438) providing for the consideration of H. R. 745, for the establishment of migratory bird refuges, to furnish in perpetuity homes for migratory birds, the establishment of public-shooting grounds, to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes, which was referred to the House Calendar.

## CHILD LABOR

The SPEAKER laid before the House a communication from the secretary of state of the State of Louisiana, announcing the rejection by the legislature of that State of the proposed amendment to the Constitution relating to child labor.

## DEPARTMENT OF STATE APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 11753) making

appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, with Senate amendments thereto, disagree to all of the Senate amendments and ask for a conference.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. SHREVE, Mr. ACKERMAN, and Mr. OLIVER of Alabama.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4024. An act to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the admission of the State of California into the Union; and

S. 4120. An act to promote the production of sulphur upon the public domain.

The message also announced that the Senate insisted upon its amendments to the bill (H. R. 5728) to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians of Oklahoma, and for other purposes,'" disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. HARRELD, Mr. McNARY, and Mr. OWEN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes, in which the concurrence of the House of Representatives was requested.

## SENATE BILLS REFERRED

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees indicated below:

S. 4024. An act to authorize the coinage of 50-cent pieces in commemoration of seventy-fifth anniversary of the admission of the State of California into the Union; to the Committee on Coinage, Weights, and Measures.

S. 4120. An act to promote the production of sulphur upon the public domain; to the Committee on the Public Lands.

## LEGISLATIVE APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12101) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes, and pending that motion I ask the gentleman from Colorado [Mr. TAYLOR] whether he will consent to an extension of time for general debate for 1 hour, 30 minutes of which time shall be controlled by myself and 30 minutes by him.

Mr. TAYLOR of Colorado. That will be agreeable to me.

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent that the time for general debate be extended for one hour, one-half to be controlled by myself and one-half by the gentleman from Colorado [Mr. TAYLOR].

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Iowa that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative appropriation bill.

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were—ayes 72, noes 0.

Mr. BANKHEAD. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum. The Door-keeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. The question is on the motion of the gentleman from Iowa that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative appropriation bill.



The question was taken; and there were—yeas 315, nays 0, not voting 116, as follows:

[Roll No. 65.]  
YEAS—315

Abernethy	Fairchild	Larsen, Ga.	Sabath
Ackerman	Faust	Leach	Salmon
Aldrich	Favrot	Leatherwood	Sanders, N. Y.
Allen	Fenn	Leavitt	Sanders, Tex.
Allgood	Fisher	Lehlbach	Sandlin
Almon	Fleetwood	Lilly	Schafer
Anderson	Foster	Linthicum	Scott
Andrew	Frear	Longworth	Sears, Fla.
Arnold	Free	Lowrey	Seeger
Aswell	Freeman	Lozier	Shreve
Ayres	French	Luce	Simmons
Bacharach	Frothingham	Lyon	Sinclair
Bacon	Fulbright	McDuffie	Sinnot
Bankhead	Fuller	McFadden	Sites
Barbour	Gallivan	McKenzie	Smith
Barkley	Gambrell	McLaughlin, Mich.	Snell
Beck	Garber	McLaughlin, Nebr.	Speaks
Beedy	Gardner, Ind.	McLeod	Spearing
Beers	Garner, Tex.	McReynolds	Sproul, Ill.
Begg	Garrett, Tenn.	McSwain	Sproul, Kans.
Bell	Garrett, Tex.	McSweeney	Stalker
Bixler	Gasque	MacGregor	Stegall
Black, Tex.	Geran	Madden	Stedman
Bland	Gibson	Magee, N. Y.	Stengle
Blanton	Gifford	Major, Ill.	Stevenson
Boles	Goldsborough	Major, Mo.	Strong, Kans.
Bowling	Greenwood	Manlove	Strong, Pa.
Box	Griest	Mansfield	Summers, Wash.
Boyce	Griffin	Mapes	Sumners, Tex.
Boylan	Guyer	Martin	Swank
Brand, Ga.	Hadley	Mead	Sweet
Briggs	Hall	Merritt	Swing
Browning	Hammer	Michener	Tague
Buchanan	Harrison	Miller, Wash.	Taylor, Colo.
Bulwinkle	Hastings	Milligan	Taylor, Tenn.
Burtess	Hawes	Mills	Taylor, W. Va.
Burton	Hawley	Minahan	Temple
Busby	Hayden	Montague	Thatcher
Byrns, Tenn.	Hersey	Mooney	Thomas, Ky.
Cable	Hickey	Moore, Ga.	Thomas, Okla.
Campbell	Hill, Ala.	Moore, Ohio	Thompson
Canfield	Hill, Md.	Moore, Va.	Tillman
Cannon	Hill, Wash.	Moore, Ind.	Tilson
Carter	Hoch	Morehead	Timberlake
Chindblom	Holaday	Morin	Tydings
Christopherson	Hooker	Morris	Underhill
Clague	Howard, Nebr.	Morrow	Underwood
Clarke, N. Y.	Howard, Okla.	Nelson, Me.	Upshaw
Cleary	Huddleston	Newton, Minn.	Valle
Cole, Iowa	Hudson	Newton, Mo.	Vincent, Mich.
Collier	Hudspeth	O'Connell, R. I.	Vinson, Ga.
Collins	Hull, Iowa	O'Sullivan	Vinson, Ky.
Colton	Hull, Tenn.	Oldfield	Voigt
Connally, Tex.	Hull, Morton D.	Oliver, Ala.	Walwright
Connery	Hull, William E.	Pake, Ga.	Ward, N. Y.
Connolly, Pa.	Humphreys	Parker	Ward, N. C.
Cook	Jacobstein	Parks, Ark.	Watkins
Cooper, Ohio	James	Patterson	Watres
Cramton	Jeffers	Peavey	Watson
Crisp	Johnson, Ky.	Peery	Weaver
Crowther	Johnson, Tex.	Perkins	Weffald
Cullen	Johnson, Wash.	Pot	Weller
Dallinger	Jones	Prall	Welsh
Darrow	Kearns	Quinn	White, Kans.
Davis, Minn.	Keller	Ragon	White, Me.
Davis, Tenn.	Kelly	Ralney	Williams, Ill.
Deal	Ketcham	Raker	Williams, Mich.
Dickinson, Iowa	Kincheloe	Ramseyer	Williams, Tex.
Dickinson, Mo.	King	Rankin	Williamson
Dickstein	Knutson	Ransley	Wilson, Ind.
Doughton	Kopp	Rayburn	Wilson, La.
Dowell	Kunz	Reece	Wilson, Miss.
Doyle	Kurtz	Reed, N. Y.	Wingo
Drane	Kvale	Reid, Ill.	Winter
Drewry	LaGuardia	Richards	Woodruff
Driver	Lampert	Robinson, Iowa	Woodrum
Dyer	Lanham	Romjue	Wright
Elliott	Lankford	Rubey	Wyant
Evans, Mont.			

NAYS—0

NOT VOTING—116

Anthony	Dempsey	Larson, Minn.	Porter
Berger	Denison	Lazaro	Purnell
Black, N. Y.	Dominick	Lea, Calif.	Quayle
Bloom	Egan	Lee, Ga.	Rathbone
Brand, Ohio	Edmonds	Lindsay	Reed, Ark.
Britten	Evans, Iowa	Lineberger	Reed, W. Va.
Browne, N. J.	Fairfield	Logan	Roach
Browne, Wis.	Fish	McClintic	Robison, Ky.
Brumm	Fitzgerald	McKeown	Rogers, Mass.
Buckley	Fredericks	McNulty	Rogers, N. H.
Burdick	Fulmer	MacLafferty	Rosenbloom
Butler	Funk	Magee, Pa.	Rouse
Byrnes, S. C.	Gilbert	Michaelson	Sanders, Ind.
Carew	Glatfelter	Miller, Ill.	Schall
Casey	Graham	Moore, Ill.	Schneider
Celler	Green	Morgan	Sears, Nebr.
Clancy	Hardy	Murphy	Shallenberger
Clark, Fla.	Haugen	Nelson, Wis.	Sherwood
Cole, Ohio	Johnson, S. Dak.	Nolan	Smithwick
Cooper, Wis.	Johnson, W. Va.	O'Brien	Snyder
Corning	Jost	O'Connell, N. Y.	Stephens
Croll	Kendall	O'Connor, La.	Sullivan
Crosser	Kent	O'Connor, N. Y.	Swoope
Cummings	Kless	Oliver, N. Y.	Taber
Curry	Kindred	Perlman	Tincher
Davey	Langley	Phillips	Tinkham

Treadway	Vestal	Winslow	Wurzbach
Tucker	Wason	Wolf	Yates
Vare	Wertz	Wood	Zihlman

So the motion was agreed to.

The Clerk announced the following pairs:  
General pairs:

Mr. Anthony with Mr. Lee of Georgia.  
Mr. Treadway with Mr. Clark of Florida.  
Mr. Wood with Mr. Quayle.  
Mr. Swoope with Mr. Dominick.  
Mr. Kiess with Mr. Rouse.  
Mr. Vare with Mr. Croll.  
Mr. Wurzbach with Mr. Smithwick.  
Mr. Brumm with Mr. Fulmer.  
Mr. Zihlman with Mr. O'Connell of New York.  
Mr. Taber with Mr. McClintic.  
Mr. Britten with Mr. Black of New York.  
Mr. Magee of Pennsylvania with Mr. O'Brien.  
Mr. Yates with Mr. Clancy.  
Mr. Winslow with Mr. Reed of Arkansas.  
Mr. Tinchier with Mr. Tucker.  
Mr. Brand of Ohio with Mr. Shallenberger.  
Mr. Wason with Mr. Caraw.  
Mr. Burdick with Mr. Rogers of New Hampshire.  
Mr. Morgan with Mr. Lindsay.  
Mr. Tinkham with Mr. Buckley.  
Mr. Phillips with Mr. McKeown.  
Mr. Fairfield with Mr. O'Connor of New York.  
Mr. Graham with Mr. Crosser.  
Mr. Purnell with Mr. Sherwood.  
Mr. Griest with Mr. Eagan.  
Mr. Stephens with Mr. Jost.  
Mr. Kendall with Mr. Gilbert.  
Mr. Johnson of South Dakota with Mr. Kindred.  
Mr. Green with Mr. Lazaro.  
Mr. Sanders of Indiana with Mr. Sullivan.  
Mr. Fredericks with Mr. Lea of California.  
Mr. Rathbone with Mr. Glatfelter.  
Mr. Funk with Mr. Davey.  
Mr. Robison of Kentucky with Mr. Cummings.  
Mr. Fish with Mr. Oliver of New York.  
Mr. Porter with Mr. Browne of New Jersey.  
Mr. Dempsey with Mr. Logan.  
Mr. Butler with Mr. Casey.  
Mr. Michaelson with Mr. McNulty.  
Mr. Curry with Mr. Bloom.  
Mr. MacLafferty with Mr. Corning.  
Mr. Denison with Mr. O'Connor of Louisiana.  
Mr. Reed of West Virginia with Mr. Wolf.  
Mr. Fitzgerald with Mr. Johnson of West Virginia.  
Mr. Perlman with Mr. Celler.  
Mr. Rogers of Massachusetts with Mr. Berger.  
Mr. Vestal with Mr. Kent.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12101, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12101, which the Clerk will report by title.

The Clerk read, as follows:

A bill (H. R. 12101) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes.

The CHAIRMAN. As the Chair understands the situation the gentleman from Iowa, chairman of the subcommittee, obtained unanimous consent for general debate for one additional hour, which leaves the gentleman from Iowa 76 minutes and the gentleman from Colorado 75 minutes. The gentleman from Iowa.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. MOORE], in which time he is going to read Lincoln's Gettysburg Address. [Applause.]

LINCOLN'S GETTYSBURG ADDRESS

Mr. MOORE of Ohio (reading):

Fourscore and seven years ago our fathers brought forth on this continent a new Nation, conceived in liberty and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that Nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle field of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that Nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate—we can not consecrate—we can not hallow—this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from

these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth.

[Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I would like to inquire if the gentleman from Ohio used his entire time?

The CHAIRMAN. He used three minutes.

Mr. MOORE of Ohio. Mr. Chairman, I yield back the time.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield a half minute to the gentleman from North Carolina [Mr. BULWINKLE].

Mr. BULWINKLE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks by inserting in the RECORD a resolution passed by the Legislature of the State of North Carolina praying for the passage of the Lineberger bill, H. R. 6484, the emergency officers' bill.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD by printing a resolution passed by the legislature of his State. Is there objection? [After a pause.] The Chair hears none.

Mr. BULWINKLE. Mr. Speaker, I asked unanimous consent to extend my remarks in the RECORD by printing the following resolution passed by the legislature of my State:

STATE OF NORTH CAROLINA,  
DEPARTMENT OF STATE.

A joint resolution, No. 22, relative to retirement of disabled emergency officers of the Army during the World War

*Be it resolved by the North Carolina House of Representatives (the Senate concurring)—*

First. That it has come to our attention that the disabled emergency officers of the Army during the World War have not been accorded the privileges of retirement like officers of the Regular Army.

Second. That legislation has been enacted to correct this, so far as disabled emergency officers of the Navy and Marine Corps are concerned.

Third. That we are informed that legislation is pending in both Houses of Congress, being reported favorably by their respective committees and now are on the calendar of each House (the Bursum bill, S. 33; the Lineberger bill, H. R. 6484).

Fourth. That we, the General Assembly of North Carolina, assembled in the city of Raleigh, do urgently request our Members of Congress to use their best efforts to have this legislation removing this discrimination passed at this session of Congress: Now therefore be it

*Resolved by the house of representatives (the senate concurring),* That these resolutions be ordered enrolled and a copy sent to each United States Senator and Member of United States House of Representatives from the State of North Carolina who is now in the city of Washington, D. C., as soon as ratified.

In the general assembly, read three times and ratified, this the 10th day of February, A. D. 1925.

J. ELMER LONG,  
President of the Senate.  
EDGAR W. PHARR,  
Speaker of the House of Representatives.

Examined and found correct.

J. M. SHARP, for Committee.  
STATE OF NORTH CAROLINA,  
DEPARTMENT OF STATE.

I, W. N. Everett, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached two sheets to be a true copy from the records of this office.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh this 11th day of February, in the year of our Lord 1925.

[SEAL.]

W. N. EVERETT,  
Secretary of State.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield to myself such time as I may desire to use. [Applause.]

Mr. Chairman, first, I want to heartily commend the chairman of this subcommittee [Mr. DICKINSON] for the splendid service he has rendered to the House, to Congress, and to the country in preparing this bill. Of course, other members of the committee have worked faithfully, but the chairman has taken the lead in exhaustively studying the needs of (1) the Senate, (2) the House of Representatives, (3) the Capitol police, (4) the Joint Committee on Printing, (5) the office of the Legislative Counsel, (6) the Architect of the Capitol, (7) the Botanic Garden, (8) the Library of Congress, (9) the Government Printing Office, and all their activi-

ties and employees. The hearings cover over 150 pages, and I am happy to say that there are no controversial matters in this bill. The majority and minority members of the committee are thoroughly in accord on all the provisions of the bill, and I feel it is one of the best bills on these subjects that has ever been brought out of the Appropriations Committee. Moreover, it is certainly one of the most economical bills ever reported. It literally carries out the policy of economy.

Now, I want to talk a few minutes to the Members of the House on what I look upon as "For the good of the order." It is a matter in which I have absolutely no personal concern whatever, directly or indirectly. And yet, I do feel that it affects the dignity, the standing, and the welfare of the Congress; and, therefore, I feel that it is something that Congress ought to consider. It comes within the proper jurisdiction of this committee and we have investigated the subject quite fully, so that I can very appropriately speak about it as the ranking minority member of the committee. I have reference to the subject of the Capitol guides and the policy that has prevailed for the last 50 years of handling the hundreds of thousands of people who pass through this building every year. I want to say at the outset, my colleagues, that I personally have not now and never have had the slightest individual complaint to make about any one of these Capitol guides. There is nothing whatever personal in my remarks. I think they are all good men. I do not charge or think there is any crookedness or dishonesty among them. I do not think any of them are doing anything at all but what they are allowed to do by the printed rules and regulations and customs that have been in force for a great many years. Therefore I intend to say nothing in the way of an attack upon the personnel of the guide service. It is the system and not the personnel that I think should be changed. I feel that there should be a change in the way sightseers are conducted through this building. Ever since I first visited this building, 20 years ago, I have felt that this magnificent building we are all so proud of, this Capitol Building of the greatest Nation on earth, ought forever to be free to the American public to look at. [Applause.]

I feel that there never should be a fixed charge to go through this building. I feel that a petty cash fee charge of 25 cents to see this building is beneath the dignity of our great free Government and of the Congress of the United States. That seems to me like mighty small business for the richest Nation the sun ever shone on. It is belittling and not in comport with the ideals of this Republic. It is not a policy that inculcates patriotism. I have not traveled extensively abroad, but I have traveled some in Europe and several other countries, and I have conversed with several Members of this House who have traveled all over the world many times, some of them just last summer, and I say without fear of contradiction that there is no reputable government in the world and not one of our 48 States of this Union which authorizes or permits a 25-cent flat charge per head for seeing its capitol. At least, that is the information I have obtained from many sources.

Mr. WILLIAMSON rose.

Mr. TAYLOR of Colorado. Pardon me, but I decline to be interrupted for 15 minutes. Of course, in Europe every American tips somebody every place he goes, and everywhere guides get tips in every country. I am not criticizing that universal custom. There are no two foreign governments that have the same way of handling sightseers. Some have a great deal of red tape and some have very simple methods. There is a concession granted to tourists in some places, and there are various other regulations, and everywhere palms are all out for tips. There is nothing entirely free to the American traveler in Europe except air and band concerts. But, be that as it may, the exigencies, necessities, and customs of the Old World are no excuse for our following their petty-larceny peculations here.

The 10 Cabinet officials have charge of the various Government buildings of their respective departments and make such regulations for the public seeing them as they deem appropriate. But this Capitol Building is under the control of the President of the Senate and the Speaker of the House of Representatives, and in their absence they delegate their authority to the Capitol police board, composed of the Sergeants at Arms of the Senate and the House, and that board issues the rules and regulations for the control of the building.

Sections 7 and 8 of the "Rules and Regulations Governing the Capitol Police" are as follows:

7. Guides are permitted to charge 25 cents per hour and 25 cents for any additional part of an hour for each person, parties not to



exceed 25 persons. Guides must conduct all parties to both floors; to the Senate wing; lower floor, through the crypt; to the House gallery, and back to rotunda, from which all parties will start.

8. For school organizations, 15 cents each person per hour or additional part thereof.

Those are the official authorizations these Capitol guides have for making the charges they are making to the hundreds of thousands of American citizens for the privilege of seeing the Capitol Building of their country. That is what I seriously object to. That is not the way to inspire patriotism in the youth of our country. How can good American public officials justify charging, I repeat, charging 15 cents a head to the tens of thousands of university students and high-school pupils that you and I see every year passing through this building? How can high-minded citizens tolerate this cheap and abominable practice? Those young people spend their scanty savings in coming here with hope and pride to see the Capital of their country. They will soon be the rulers of this country.

They are taught from infancy to take a patriotic pride in this capital, named after George Washington, and we ought to encourage and in every way enhance their enthusiasm and pride and patriotism and loyalty, and there should be no impediment placed in the way or damper put upon the manner in which they are shown through this building. This charge is not only shortsighted and unwise, but it is wrong, demoralizing, unpatriotic, and degrading in its influence, and cheapening and belittling. The Sergeant at Arms of this House, on page 19 of the hearings, makes the deliberate statement that "90 per cent of all the people who go through this building go away dissatisfied." Now, if that statement is true, and I believe it is substantially, how can we, the 435 Congressmen, representatives of 110,000,000 American citizens, refuse to correct that condition? This dissatisfaction of the public should not be permitted to exist 24 hours, yet it has been going on for 50 years. In 1876, during the Centennial Exposition at Philadelphia, great crowds visited Washington and came through this building. Up to that time there had been no guide system of any kind. There were some shell-game and three-card fellows, numerous pickpockets, and other crooks got in here. As a result Congress decided to establish some system in the handling of tourists, and they appointed five guides to superintend the sightseers, and they were allowed to collect tips as their remuneration. That is the way this thing started. There has never been any salary paid. The "act to regulate the use of the Capitol Grounds," approved July 1, 1882, chapter 258, was its first law on the subject, and it is still in force. The number of guides has been gradually increasing, until now there are 14, and they are still allowed to take all the tips the public care to give them, and are also allowed and authorized to charge the fees provided for in the rules and regulations I just read.

I asked the chief guide, Mr. Benjamin J. Cady, how much that amounted to a year. After vigorously cross-examining him for two hours I got a few statements that give some idea of the situation; not very much in detail, however.

These hearings, pages 135 to 153, give Cady's statements, and Sergeant at Arms Joseph G. Rogers's statement, pages 16 to 20, and the statement of Mr. David Lynn, Architect of the Capitol, pages 128 to 135, show that all these railroads and sight-seeing busses are bringing very large numbers of people in here more and more every day. I think there are five times as many sight-seeing busses as there were before the war, and they are three times as big. All of you who have been in Congress for any length of time know that this business of sight-seeing busses has increased enormously in the last few years. These busses seem fully twice as big and there are twice as many of them as there were just a year or so ago. There are some 10 or 12 concerns that are dumping people by the hundreds of thousands into this building, and the railroads are also bringing them here in great crowds. The business of sightseeing is also being built up among all the colleges and universities and schools all over the country. This "See America first" slogan is fortunately very rapidly spreading throughout the length and breadth of this country. The people who are brought here through the railroads and sight-seeing busses are practically all put through this building by these Capitol guides, because nobody but these official guides has the right to show anybody through this building. The guides, as you see from the regulations, get 15 cents a head for all of those excursion people who go through this building.

I understand that one railroad is soon going to bring 6,500 students here, and at 15 cents a head—that is \$975 for that one bunch. Then, as to the people the guides show through the

building, who do not come here by the busses, they have the right to charge, and do charge, 25 cents a head, I repeatedly asked Mr. Cady how much it all totaled up. He said the guides are not required to account for any of the personal tips that are given to them. Nobody knows how much the tips amount to each day. The chief guide Cady does not guide anybody. He is the cashier and general director of operations. The other 13 guides turn in to him every night all the money they have received during the day from the 25-cent and the 15-cent charges that they collect from the people under the regulations I read, and every night that money is divided equally among the guides, and Cady gets 50 cents extra each day. During the year 1923 it amounted, Cady says, to \$2,379.05 apiece for the year for 13 guides. In 1924 the amount increased, so that it reached \$2,597.80 apiece for the 14 guides. The total officially authorized receipts under the rules, Cady says, was \$30,927.65 in 1923 and \$36,349.20 for 1924. That does not include any tips or individual gratuities. In other words, the official charges increased \$5,421.55 during the past year. So you see this sightseeing business is increasing at the rate of 20 per cent a year, according to the guides' own figures.

It is becoming a very large and lucrative business. Personally I think, with the officially authorized charges that the guides account to each other and the tips that they do not have to account for, that they are now taking in about \$50,000 a year from all sources.

Now, the question is, What, if anything, will Congress do about it? I do not want anybody to think that I have anything against the guides. We have all got friends or acquaintances among these guides and they are all good fellows. But I do not feel that they own this building. I have never asked a thing of any one of them, but they have always been courteous to me, and I do not want to do anything to cast any aspersion upon any one of them. But I do not feel that this Government owes any obligations to turn this building over to them and give them all the money they can take in, simply because they have been doing so for many years. It is a system and a policy that we ought to change. That is my thought about the matter. I made this same speech about 10 years ago, and I regret to confess that I have always been alone in this matter. At least, if any other Member has ever on the floor of this House during the past 16 years raised his voice against this system, I have not heard of it. Nevertheless, I think we either ought to put the guides on salary, or establish some system whereby these men will not be given carte blanche to collect what they please and put it all in their pockets. They have never rendered a statement in 50 years until this very brief statement that I have compelled the chief guide to make. They have never been required to account to anybody for the amount they get. No sane business in the world would ever allow a set of men to handle large money affairs in the loose way we are running this Capitol. Even if I am alone and am being severely criticized and my motives impugned, nevertheless I can not resist the feeling that this condition is more than unbusinesslike. It is demoralizing and an intolerable outrage upon the American citizens and our youth who visit this city. I have often heard that many poor people and school children stay away from this Capitol Building because it is the only Government building in Washington that they have to pay a fee to get into.

I have diligently tried, but failed, to learn about how many people visit this building in a year. The general impression is that there are four or five times as many people visit this building as any other public building in Washington, and it was stated repeatedly on the floor of this House that the average attendance at the Congressional Library is 3,000 a day.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes; I will now gladly try to answer such questions as I can.

Mr. BANKHEAD. Do not the guides receive some additional compensation from the sale of books, and things like that?

Mr. TAYLOR of Colorado. Yes. That is another thing I intended to mention. A number of years ago, I understand, one of the guides died, and his niece, Mrs. Nelson, was given authority to sell about 200 copies of a book in the rotunda or down on the floor below. That was just a temporary permission. Since that time she has had published two or three new editions of the book, and the guides have been selling them in large quantities ever since. I have samples of five or six of those books here. This book which I hold up before you, entitled "The History of the Capitol," sells for \$1.50 a copy, and the guides, as a feature of the trip through the building, take a crowd down to the bookstand, down in the basement, and the complaint of the people is that they devote 5 or 10 or 15



minutes out of the 30 or 40 minutes they are supposed to occupy in putting people through this Capitol in urging them to buy these books, and on every one of these books sold the guide puts 30 cents in his own pocket and does not account to the other guides or anybody else. That is a clean rake-off. This book, "Lincoln and Lee," sells for a dollar, and the guide gets 25 cents, I understand. This book [exhibiting], the "Washington Guide," sells for 50 cents, and the guide gets 10 cents. This book [exhibiting], "The Lincoln Memorial," sells for 50 cents, and the guide gets 10 cents. This book [exhibiting], "Fry's Patriotic Story of the Capitol," sells for 25 cents, and the guide gets 6 cents. This book, "What to See in Washington," sells for 25 or 50 cents, with a rake-off accordingly.

Mr. MANLOVE. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. MANLOVE. Who appoints or names all these guides?

Mr. TAYLOR of Colorado. They were all appointed originally by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, most of them many years ago. Benjamin J. Cady has been there 45 years, Albert Daugherty 25 years, Edward Ernst 20 years, James Crawford 15 years, George Glick, 14 years, George Popkins 13 years, William Young 13 years, George Sarvin 12 years, Ira Bond 9 years, Harry Nash 9 years, William Jackley 6 years, Hynes Terry 6 years, Clifton Beckhart 3 years, and Mrs. Sykes-Lingo 1 year. And I might say that both the present Sergeants at Arms of the Senate and of the House desire to have some change made in this system, I understand. They are not sponsoring this business at all. They have simply inherited this whole performance, including those rules and regulations and nearly all of those guides.

Mr. MANLOVE. Are they just named at the will of the Sergeants at Arms?

Mr. TAYLOR of Colorado. Yes. I understand seven of them were appointed by the then Sergeant at Arms of the Senate, and seven were appointed by the then Sergeant at Arms of the House, upon the vigorous recommendation of the Senators and Representatives of the States from which they hail, and those various Senators and Representatives from those States seem to be still interested in them, notwithstanding their predecessors, who brought about the appointments, are mostly long since retired to private life and many of them are dead. But these guides are all regularly here and I do not want to throw them out. I want to put them all on a good salary and make them eligible to the retirement law. But I had not finished speaking about those books that the guides have for many years been selling to the public. They put part of the proceeds in their pockets, and, besides, the chief guide, Cady, gets another rake-off himself. Here is a bunch of postal cards. The guides sell that bunch of post cards for 25 cents.

Mr. MURPHY. How many cards are in that bundle? Let us see if they get their money's worth.

Mr. TAYLOR of Colorado. I think there are 20 postal cards in a bunch. They are nice postal cards and may be worth the money. If so they are the only thing they sell that is worth half what they charge for it. Those books are just written to sell. I think they have little or no historic value. But I am not objecting so much to people not getting their money's worth. It is the system that I object to. I object to private concerns publishing cheap pamphlets and books and the Government official guides selling them in this building and pocketing a rake-off, for which they do not account to anybody. Often some one-armed or one-legged soldier, some invalid ex-service man comes here and wants the right to sell apples or shoestrings or lead pencils or chewing gum or something in this building and he is promptly taken by the scuff of the collar and thrown off the Capitol Grounds, because nobody has any legal right to sell anything in this Capitol Building or on these grounds. The original owners of the books, and so forth, were years ago given the permission temporarily, and I think without any legal authority, and I think they should have been stopped and put out of this building and off the Capitol Grounds long ago, because the people throughout the country complain that there is an urgent appeal and a mild official coercion put upon them by the guides to purchase these books. They complain first to the Sergeant at Arms about having to pay a fee of 25 cents to be shown through the Capitol Building, and not being shown very much, and then when they get down to these bookstands in the crypt they say they are so persistently urged into buying the books that they do it because it seems to be a part of the official-tour program, when they do not care for all that stuff and many can not afford it. Our printed hearings show all this.

Mr. BARBOUR. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. BARBOUR. I would like to ask the gentleman this question: Where did the Sergeant at Arms of the House and the Sergeant at Arms of the Senate get the authority to appoint these guides?

Mr. TAYLOR of Colorado. I have, I think, all the law there is here with me—the act of July 1, 1882, the act of July 29, 1892, the act of April 29, 1876, and the act of March 2, 1895, and I do not recall that any of them mentions the word guide anywhere. But the rules and regulations issued by the Sergeants at Arms of the Senate and House mention guides and prescribe their duties. I guess they get the authority under their general police power. At least, it is a system or custom that has grown up and been in use a half a century. Nobody seems to have ever objected to it, and they have always gone ahead and appointed as many guides as they please. I have no objection to their appointing them and seeing that they perform their duties, but I want Congress to regulate the pay and prescribe the duties of the guides.

Mr. BARBOUR. Then, it is a matter that the Sergeant at Arms of the Senate and the Sergeant at Arms of the House control?

Mr. TAYLOR of Colorado. Yes; that is right.

Mr. LINTHICUM. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LINTHICUM. Do I understand that the gentleman suggests a flat salary?

Mr. TAYLOR of Colorado. Yes, sir. On January 30, 1925, I introduced a bill, H. R. 12060, providing for 11 guides—1 chief guide at \$150 a month and 10 guides at \$125 a month. The bill also provides that they shall make no charge for services and it also provides for an official Capitol book. The bill is entitled, "A bill to establish a free guide service for the Capitol Building," and I will say that I intend to offer it as an amendment to this pending appropriation bill.

Mr. LINTHICUM. That is the point I wanted to get at.

Mr. TAYLOR of Colorado. Possibly Congress ought to appoint a joint committee to fully consider the matter. There are probably 2,000,000 people a year visit this building, and I want to make it free to all of them. Moreover, I want to see the vast crowds that swarm through this building handled in a systematic, orderly, and dignified way, and not have them go away from this Capitol with resentment and disgust and a feeling that they have been frisked out of 25 cents and compelled to buy useless books they do not want, books that if they were sold anywhere ought to be sold for half the price. In my bill I provide that Congress shall authorize the preparation of a suitable book of that character and sell it at cost price.

Mr. LINTHICUM. If we should provide a flat salary for these guides, does the gentleman believe we could prevent people from giving tips?

Mr. TAYLOR of Colorado. Oh, no. We could not prevent some people from giving them tips. It would always be a very desirable position, even if we provide a flat salary and also provide that no tips shall be accepted. But the public ought not to feel they are compelled to pay a fee to go through this Capitol Building when they enter any one of its doors. These guides, after all these years, have got this business down to a very fine art.

The people must enter at one of three doors, the door on the House side, the door on the Senate side, or the door in the center of the building. The custom is that when people enter any one of those three doors they are met at the door by a very courteous and suave guide, looking imposing and wearing an officer's suit and cap and a large official badge. The guide politely says, "Do you desire to see the Capitol Building?" Of course, they very naturally answer "Yes." They do not come here to have their fortunes told; they come to see the Capitol. The guide then says, "The law authorizes a nominal fee of 25 cents each for showing you over the building." The unsophisticated public look upon it as an entrance fee which they must pay or get out, and so they cough up the 25 cents apiece, and then after they have been shown around a little and conducted up to these bookstands and inveigled into buying a bunch of books and pamphlets they do not want, they go away in disgust, feeling they have been frisked or gouged, and they feel resentful toward Congress for permitting what they think is a scheme of petty larceny and speculation, and they wonder who the guides are dividing all that money with.

Mr. LINTHICUM. If the gentleman's suggestion should be adopted, they would not only receive the flat salary provided, but tips as well.

Mr. TAYLOR of Colorado. Oh, that may be partially true. But in the Congressional Library they have 25 guards at \$95 per month and no guides at all. They claim there are an average of 3,000 people a day visit that Library. There is five



times as much to see there as there is in this building, and everybody goes away satisfied, because they are not held up. There is never any complaint about the service in that building. Of course, the American people are foolishly lavish with tips. The hat-checking stands at the fashionable hotels and other places take in hundreds and sometimes thousands of dollars in a day and night. But the attractive and smiling young lady that takes in all that money probably gets about \$3 a day and board, and the proprietor of the place or some millionaire hat-stand trust pockets all of it.

Mr. MANLOVE. Will the gentleman yield?  
Mr. TAYLOR of Colorado. Yes.

Mr. MANLOVE. I want to ask the gentleman whether it is not true that in the clubs of this city and first-class clubs of other cities the attachés are paid flat salaries, no tips are allowed, and the members of those clubs have splendid service?

Mr. TAYLOR of Colorado. Yes. That is true, and I think Congress can very easily handle the tipping proposition if it wants to and have much better service besides.

Mr. WILSON of Mississippi. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. WILSON of Mississippi. Does the gentleman think it is right to tax the people back in the country in order to enable the tourists of the country to go through the Capitol Building?

Mr. TAYLOR of Colorado. When the taxpayers of this country contribute three and a half billion dollars a year of, generally speaking, most awfully hard-earned money for this Appropriations Committee to spend, it does seem to me that we might at least in common decency allow them to look over the building in which we are spending their money without charging them 25 cents to peep at us. I have never heard of any people back in the country complaining about paying for guides in the White House, or the guides in the Bureau of Engraving and Printing, or the guides in the Printing Office, or the guides in the Treasury, or any other important Federal building. Those guides show people through those buildings and that is a part of the protection of the building. This is by far the most important building in the United States, in fact in the entire world, and every loyal citizen hopes to see it some day, and when he does I do not want any guide to be standing at the door to tell him to stand and deliver 25 cents or get out. We have somewhere between 50 and 75 policemen to protect this building. We do not need guides to do it, if the policemen do their duty.

Mr. WILSON of Mississippi. Does the gentleman think it is right to tax the people back yonder for the purpose of showing these people who are able to go around and see the world through this Capitol Building?

Mr. TAYLOR of Colorado. I think it is right to tax the people to protect the honor and dignity of this Capitol and this Government. I think if there is any place on God's green footstool that ought to be free it is under the dome of this American Capitol. [Applause.]

Mr. UPSHAW. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. UPSHAW. I am somewhat in sympathy with the last statement of the gentleman; but to get the record straight, I think there are many on this floor who can testify that in seeing the state buildings of Europe you must pay tips everywhere.

Mr. TAYLOR of Colorado. Yes; as I have already said several times, you have to tip somebody at every place in Europe. However, in some places they do give you a special card, and, aside from the universal tip, there are places in Europe where there is no direct entrance charge.

Mr. BLANTON. Will the gentleman yield?

Mr. TAYLOR of Colorado. Just for a short question. Not for any argument or speech.

Mr. BLANTON. I want to say, if the gentleman will permit—

Mr. TAYLOR of Colorado. No; I will not permit the gentleman to make a speech, but I will permit a question.

Mr. BLANTON. Then I will try to get some time later.

Mr. WYANT. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Yes; certainly.

Mr. WYANT. Reference was made to tips to guides in foreign capitals, as I understand it, this is not a tip but is a fixed charge. A tip is quite different.

Mr. TAYLOR of Colorado. Yes. There is a great difference. Well-to-do Americans have no objection to voluntarily giving a tip. But they do object to being practically compelled to pay a fixed charge for seeing a Federal Government building. As I stated a few minutes ago rule No. 7 states:

Guides are permitted to charge 25 cents per hour and 25 cents for any additional part of an hour for each person; parties not to exceed 25 persons.

This rule is posted all over the Capitol.

This says "charge." This rule is signed by David S. Barry, Sergeant at Arms of the Senate, and J. G. Rogers, Sergeant at Arms of the House of Representatives.

This is a direct charge for visiting the Capitol, and you can not call it anything else, and the public does not look upon it as anything and they pay accordingly. I want some regulation that will comport more with the dignity and importance of the Capitol of this country and for the better protection of the visiting citizens.

Another complaint made by a great many is that too large a number of people go through at one time with one guide, and scarcely anyone can hear anything the guide says. But when the busses dump 500 or 1,000 people into this Capitol Building within an hour, and each guide has to take 200 or 300 people through the building, he, of course, can not give them any service. But no matter how many he has he never overlooks collecting 15 cents a head, whether they hear anything from him or not. One-fourth of them can not hear him and they go away dissatisfied, and claim that the guide does not take them half through the building; but, nevertheless, the Sergeant at Arms of the House and the Sergeant at Arms of the Senate allow them to make the flat charge of 25 cents, 15 cents, and they all do it.

Mr. LINTHICUM. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LINTHICUM. I want to say they do not always do that, because I have had any number of school children come down here, and I have made arrangements with the guides in advance, and they have not charged them as much as 5 cents apiece to take them through.

Mr. TAYLOR of Colorado. Oh, yes; of course, if a Senator or Congressman wants to go to them and make the arrangement in advance, they are not charged in the same way. But the great mass of the people who come here do not have a Senator or Congressman to intercede for them and go through with them. Furthermore, Congress will adjourn in a few days, and there will be nine months when the public will be coming here and there will be no Congressman to protect or chaperon them.

Mr. SMITH. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. SMITH. What proportion of the visitors who come to this building do you think ask the guides to show them around? Probably not 10 per cent.

Mr. TAYLOR of Colorado. Oh, yes they do. Over half of all the visitors are contracted in advance. They have paid their 15 cents entrance fee before they get here. The railroads and busses have attended to that collection, and these guides have become experts. They are so tactfully adroit that only a small per cent escape. In fact, I have looked into this matter enough so that I will now make this formal proposition to the United States Government and to the Congress, namely: If Congress is going to continue this fee system, I will give \$25,000 a year cash, every year for 10 years, for this exclusive and unrestricted monopoly of all this guide business in this building. And if there is any reason why I can not, as a Congressman, enter into that contract in person, I will arrange for a responsible corporation to do it, and I will make at least \$1,000,000 clear net in the next 10 years. That is what the sightseeing business means that is now going through this Capitol Building—all those fees and tips that are now going into the pockets of these 14 guides. And yet the chief guide told our committee that "nobody has ever required us to make any accounting of any receipts and we are not doing so." Of course these guides do not want any salary. They speak with contempt about any "little \$150 a month salary."

Mr. MURPHY. I am sure the gentleman wants to keep the record straight, and the statement the gentleman has just made is rather a striking one.

Mr. TAYLOR of Colorado. Yes; it is striking. It ought to be striking, and I stand by every word of it. The whole business is an unconscionable outrage and a brazen looting of the traveling public. But if Congress is going to indefinitely continue and definitely legalize it, I think Uncle Sam ought to get some of it. That is the reason I make this offer, and, moreover, I will systematize it in a way that will be better and cheaper, more expeditious, and more satisfactory to the public than it is now.

Mr. MURPHY. Then you are not basing your statement on the figures we have in the record with reference to the amount of money that the guides made in the year 1924?

Mr. TAYLOR of Colorado. Oh, no; not at all. That report does not spell anything to me.

Mr. MURPHY. We have a record in the hearings of what they really have done.

Mr. TAYLOR of Colorado. It is upon my investigation of what they really take in and the rapid growth of the business that I am making this offer. I am making the offer in good faith, and to show the House and the country what I think about the business and the growth of the business of showing the American Capitol to the world. That is what it really amounts to.

I know there are a number of gentlemen here who are very much opposed to in any manner interfering with the monopoly of these guides. I fully realize that there is strong and concerted opposition at both ends of this Capitol to any interfering with this condition. Anybody who tries to interfere with this marvelously growing and very profitable and entirely uncontrolled and unregulated, absolute monopoly is engaging on a very thankless and utterly unappreciated task. Nevertheless, I know that somehow, that sometime, some Congress is going to wipe out this blot on our Capitol and let the word go out to the world that the people of all the earth may freely pass through the Capitol of this great Republic without being compelled to pay a fee for so doing. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, the gentleman from Colorado [Mr. TAYLOR] has very fairly stated the facts and conditions as they exist according to his viewpoint, but there is another side to the question. He says that he will offer an amendment to this bill but it will be declared out of order. So we really have no question of change before us. But there is some information that may be of service and value to the committee, and I will give that in part and leave it to the others who think as I do to state the rest of it.

This is not a new thing; it has been before the Committee on Accounts previously. The Committee on Accounts find that too frequently we start some new office very modestly and then note the surprising rapidity of the growth of the personnel employed. It matters not whether it is a subdivision of a bureau or an independent office, we find that in 10 or 11 years the personnel will increase from two to five hundred per cent. I will make the prediction that inside of two years, at least inside of five years, you will find that force of 11 police guides would be increased to 50, and perhaps to 100, with a salary boost from \$1,500, as we would first provide, to \$2,500 or more, and you would have a bill of \$100,000 to \$200,000 for the taxpayers back home to pay who can not afford to visit the Capitol.

The tipping that the gentleman from Colorado finds objectionable would not be stopped, for all these police would get tips just as the guides get them now. Wherever they may be employed in such capacity in Washington or elsewhere they get tips, and they are voluntary tips. Now, 75 per cent of this business comes to these guides through the transportation companies, either through the railroad or automobile companies, and it is provided for in the original charges of these companies. Do you suppose where they have a group of people to take to the National Capitol for \$50 that they are going to deduct 25 cents from that cost because we provide free guide service in the Capitol Building? The gentleman from Colorado speaks of dissatisfaction among the people who visit here. I think there has been some dissatisfaction in very few instances. As for me, I would much rather pay a fixed charge for service than to depend upon the modest tip I might afford for indifferent attention.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLANTON. Last year I went to four different crowds after they got through and asked if anybody in the crowd was dissatisfied, and not a person expressed dissatisfaction.

Mr. UNDERHILL. I think all of us have had that same experience. I have a great many visitors come here. I suppose there are few men in Congress who have more people coming to Washington from their district than I have. They are on their way south for the winter season and they are on their way back in the spring. They are not obliged to take a guide. They take a guide from choice, just the same as you do when you go down to the Pan American Building with some of your constituents. Frequently I have put my hand in my pocket when I have taken constituents down there and have paid for guide service, because I am not familiar with all of the interesting details and the guide is. It is the same way over in the Congressional Library. You have regular em-

ployees over there, but you feel like a piker if you go away without giving them a tip. You do not abolish the tipping evil by hiring a lot of extra policemen. The gentleman stated that we had 40 policemen to protect this Capitol, and yet he stated in the same breath that all during last summer there was not a cop in the Rotunda of the Capitol. That is the way the public employee works. He gets a regular job with steady pay, so much money coming, and then he draws his salary and his breath.

You are not going to get any more efficient service. If you dump 10,000 people, or 5,000 people, or 500 people in here and have a guide service of 11 instead of a guide service of 14, how are you going to get more efficient service? The man who is on a regular salary on a Government pay roll does not begin to give the service that the fellow does who is depending upon the service he gives for his pay. [Applause.]

#### MESSAGE FROM THE SENATE

The committee informally rose; and Mr. BARBOUR having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 78. An act for the relief of the owners of the barge *Anode*;

S. 82. An act for the relief of the owners of the steamship *Comanche*; and

S. 84. An act for the relief of the owners of the steamship *Ceylon Maru*.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes.

#### LEGISLATIVE APPROPRIATION BILL

The committee resumed its session.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman and gentlemen of the committee, you have listened to a very adroit and clever speech by my colleague on this committee, the gentleman from Colorado [Mr. TAYLOR], who has attempted to lead you into a line of thinking that all the people who visit this Capitol, who are able, financially, to come here, are objecting to paying a small fee for a special service rendered to them to make their visit in the Nation's Capital worth while. We have public buildings here, where women are employed as guides—I do not know whether men are or not. One of them I visited myself the other day with some constituents. They wanted to go through the Bureau of Engraving and Printing. I went down with them and sat down in the waiting room until a sufficient number of people had gathered, and then a very pleasant lady came and took charge of us, and we were rushed through that building over a beaten path. We were not told very much, and I am not complaining of the service, but just discussing the matters as they really are. I am sure that the folks who were with me did not receive a very favorable impression of the situation down there. I do not think they went away with a very deep impression on their minds of the importance of the tremendous work going on in that particular department of the Government; but, gentlemen, the Capitol of this Nation is open almost every hour of the day when the sun is shining, and when it is behind the clouds. The doors are open and the general public comes in. They are welcome here. They are not held up for 25 cents or 15 cents to go through. They can go any place they choose, anywhere at any time. That is reasonable. Nobody holds them up and says that they must pay so much for going through the Capitol. That is a preposterous statement, and yet the gentleman from Colorado said something of the kind, but he pulled the props from under his own argument in his closing remarks when he said that one of these guides last summer, when Congress was not in session, was presented with a \$1,200 trip. Is not that a tribute to the service rendered by that guide? [Applause.]

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. Please excuse me. I have only five minutes. There is another view of this matter that we as Representatives must take, and that is that we are now engaged in the administration of a Government that stands for economy. I want to know how you can economize by appointing a number of guides on the pay roll of this Government to take care of about 1 per cent of the population of the Government that visit the Nation's Capital every year, and force the



other 99 per cent back home to pay the bill? In addition when they come here they would not receive the splendid attention and service that is given to them by these guides now. I do not know anything about the politics of the guides; I do not know whether they are Republicans or Democrats and I do not care, but I ask you to investigate on your own behalf. Follow one of these guides around some day, it does not make any difference who he is particularly, and listen to what he says. He sends out the best word that comes from this Capitol with reference to your labors. He does not misrepresent you. He tells the truth about you. As he guides these groups of people through this Capitol and they pass by a committee room, and perhaps some of your constituents may be in his party, he will say, "Your Member is not on the floor, but he is at work, he is in the committee—there he sits," and he will point you out. Does that mean anything? It means a lot, especially when so much misinformation and so much abuse of men representing the people is sent out to the folks back home.

The gentleman from Colorado complains about the books. I agree with him that a book should be prepared by governmental agents, giving the information about the Nation's Capitol, and that book ought to be disposed of at a reasonable price, whatever the price may be. But we have not such a book and what have we? We have the best that we can get, and the people who buy them do so because they want them. After seeing these books spread out on the table in the committee room, I bought a set of them myself, and why? Because they gave me the best ready information that I could get about the Capitol, and I felt that it was a good investment.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. There is so much that can be said about the guide question that I have not the time to discuss it in the few minutes left to me, but in the six years that I have been here no constituent from my district of about 300,000 people, and thousands of them have visited here, has ever complained about going down in his pocket for 25 cents to pay a guide.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. RAMSEYER].

#### APPOINTMENT OF PRESIDENTIAL ELECTORS IN IOWA

Mr. RAMSEYER. Mr. Chairman and gentlemen of the House, I beg the indulgence of this committee for a few moments on a subject that has no special relation to the bill before the House. Under the Iowa law the names of presidential electors are not printed on the official ballot. Since the convening of this session of Congress I have had quite a number of inquiries from Members of this House and also from persons on the outside as to what the provisions of the Iowa law are in reference to omitting the names of candidates for presidential electors from the official ballot, how our ballot is printed, and whether our law relative to the omission of the names of candidates for presidential electors from the official ballot is in violation of Article II, section 2, of the Constitution of the United States.

In the first place I shall discuss the provisions of the Iowa law. The presidential electors are nominated by the party conventions, one elector for each congressional district and two at large. The officials of these party conventions, under the law, certify the names of the presidential electors so nominated to the secretary of state. Our laws further provide that the names of the candidates for President and Vice President shall be printed on the ballot. I have here before you an official ballot. In the first column, headed by the name "Republican," are the names of the candidates on the Republican ticket. First appear the names of the candidates for national offices, to wit, for President and Vice President and for United States Senator. Then are the names of the candidates for State offices on the Republican ticket. Then the names of the candidates for the district offices, followed by the names of the candidates for county offices and township offices. In the second column are the names of the candidates on the Democratic ticket. You will see before you on the official ballot the names of the candidates for President and Vice President. Taking, now, for illustration, the Republican column, there are the names of Calvin Coolidge for President and Charles G. Dawes for Vice President. Before the names Calvin Coolidge and Charles G. Dawes is a bracket and in front of the middle of this bracket is a square, such a square as appears before the name of every other candidate for office on the ticket. The

law provides that the names of all candidates to be voted for, except presidential electors, shall be printed on one ballot. I shall insert at this place in the RECORD that portion of the first column of the official ballot before you containing the names of the candidates for President, Vice President, United States Senator, governor, lieutenant governor, and secretary of state, in order that you may see the bracket and square in front of the names of the candidates for President and Vice President, and to show you that those names are followed immediately by the name of the candidate for United States Senator and the names of the candidates for State offices. The names of the candidates for presidential electors do not appear on the ballot.

Portion of ballot referred to is—

O REPUBLICAN	
□	FOR PRESIDENT Calvin Coolidge of Massachusetts
	FOR VICE PRESIDENT Charles G. Dawes of Illinois
□	FOR UNITED STATES SENATOR Smith W. Brookhart of Washington, Washington County
FOR STATE OFFICERS	
□	FOR GOVERNOR John Hammill of Britt, Hancock County
□	FOR LIEUTENANT GOVERNOR Clem F. Kimball Council Bluffs, Pottawattamie County
□	FOR SECRETARY OF STATE Walter C. Ramsay of Belmond, Wright County

The law further provides that a vote for the candidates for President and Vice President of any political party shall be conclusively deemed to be a vote for each candidate nominated in each congressional district and in the State at large for presidential electors by said party and shall be so counted and recorded for such electors, so that when the votes are counted, a vote on the ballot for Coolidge and Dawes would, of course, not be a vote for those two candidates but a vote for the 13 Republican presidential electors whose names are on file in the office of the Secretary of State. In the same way, a vote for Davis and Bryan is not a vote for these two candidates but a vote for the 13 Democratic candidates for presidential electors. The votes thus cast for the respective candidates for President and Vice President are, under the law, counted for the respective groups of candidates for presidential electors.

At the completion of my remarks, by way of extension, I shall have printed in the RECORD five statutes from the Iowa Code of 1924 which, although they are not all the law on the subject, will give you sufficient to understand the workings of our law which provides for omitting the names of candidates for presidential electors from our official ballot.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. RAMSEYER. I will.

Mr. WILLIAMSON. The Constitution contemplates the selection of electors for the purpose of selecting the President directly. Is not the very purpose of the Constitution defeated by the gentleman's amendment? You can only—

Mr. RAMSEYER. I am not discussing any amendment; I am discussing what the Iowa law is. I am just approaching the question of the constitutionality of the Iowa law. The constitutionality of the Iowa law has been questioned but never tested in any court. Naturally I approach the discussion of any constitutional question with a great deal of timidity, especially in view of the action of this House a few days ago when I very strenuously argued one way on a constitutional question and this House decided the other way. Notwithstanding the action of the House then, I am still of the belief that I was right and the majority was wrong.

Article II, section 2, of the Constitution of the United States, is the one that deals with the appointment of electors for President and Vice President. Let me read the provision:

Each State shall appoint—

Now, notice carefully the word used is "appoint," not "select," as just used by the gentleman from South Dakota [Mr. WILLIAMSON], and it is not "elect," as so many people

think it is, but it reads, "Each State shall appoint." Now, if you will listen, I shall read the entire provision:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Bearing in mind that the word is "appoint" and not "select" nor "elect," I have no misgivings or doubts as to the constitutionality of the Iowa law.

I have before me two decisions of the Supreme Court of the United States which I think support me in my position. The first case that I shall refer to is one entitled "In re Green 134 U. S. 377." This is a case which arose in the State of Virginia. Green was indicted and convicted for violating one of the election laws of that State. The indictment, among other things, charged illegal voting for electors of President and Vice President of the United States. The claim of Green was that the State courts of Virginia had no jurisdiction to punish him for illegal voting for presidential electors and the case came to the Supreme Court of the United States on a writ of habeas corpus. The syllabus of the case reads as follows:

The courts of a State have jurisdiction of an indictment for illegal voting for electors of President and Vice President of the United States; and a person sentenced by a State court to imprisonment upon such an indictment can not be discharged by writ of habeas corpus, although the indictment and sentence include illegal voting for a representative.

The decision of the court holds that a presidential elector is not an officer or agent of the Federal Government and that punishment for illegal voting for such an elector is within the jurisdiction of the State courts.

On page 379 the court says:

The only rights and duties expressly vested by the Constitution in the National Government, with regard to the appointment or the votes of presidential electors are by those provisions which authorize Congress to determine the time of choosing the electors and the day on which they shall give their votes, and which direct that the certificates of their votes shall be opened by the President of the Senate in the presence of the two Houses of Congress, and the votes shall then be counted.

Furthermore, on page 380, the court uses the following language:

Congress has never undertaken to interfere with the manner of appointing electors or, where (according to the now general usage) the mode of appointment presented by the law of the State is election by the people, to regulate the conduct of such election or to punish any fraud in voting for electors, but has left these matters to the control of the States.

The other case that I have is the one of *McPherson v. Blackner* (146 U. S. 1). This case arose in the State of Michigan. The then law of Michigan provided for the election of presidential electors by congressional districts and two at large and for alternate electors by congressional districts and at large. The contention was that this law was repugnant to the Federal laws and Article II, section 2, of the Constitution of the United States, in that it deprived the voters of Michigan of their right to vote for as many presidential electors as the State had Representatives and Senators in Congress. The Supreme Court sustained the validity of the Michigan law.

This is rather a lengthy case. It goes exhaustively into the manner of appointing presidential electors from the beginning of our history to the time of the decision of this case. As is well known, in the early history of the country nearly every State legislature exercised its right to appoint presidential electors. In one State presidential electors were appointed by the State legislature until the Civil War. In fact, after the Civil War another State legislature continued to appoint presidential electors as late as 1876.

On page 27 of this case the court holds:

The Constitution does not provide that the appointment of electors shall be by popular vote, nor that electors shall be voted for upon a general ticket, nor that the majority of those who exercise the elective franchise can alone choose the electors. It recognizes that the people act through their representatives in the legislature, and leaves it to the legislature exclusively to define the method of effecting the object.

It has been said that the word "appoint" is not the most appropriate word to describe the result of a popular election. Perhaps not; but it is sufficiently comprehensive to cover that mode, and was manifestly used as conveying the broadest power of determination.

And on page 35 the court makes this further observation:

In short, the appointment and mode of appointment of electors belong exclusively to the States under the Constitution of the United States.

In view of the plain and unmistakable language of Article II, section 2, of the Constitution of the United States and the interpretation placed upon that language by the two decisions from which I have quoted, I think there can be but little doubt, if any, that the Iowa law, which provides that the names of presidential electors shall not be printed on the official ballot, is clearly constitutional.

In my opinion, the Iowa law is not only constitutional but it is sensible. The voters are not interested in the candidates for presidential electors. They are interested in the candidates for President and Vice President. Under the Iowa law they vote for the candidates in whom they are interested. Of course, the votes they cast for the candidates for President and Vice President are counted for the candidates for presidential electors of the same political party. Under our law the voters are not confused by the names of candidates in whom they have no interest or concern. Our law provides the most direct way of getting at the voters' intentions. So far as I know the Iowa law is the only law of its kind in the United States. It is a new "Iowa idea" which other States may well adopt.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. AYRES. In the State of Kansas we have a ballot very similar to the one the gentleman is displaying there. However, our law reads that where a voter desires to vote for a candidate, he shall make his cross in the square in the right of the candidate's name. The attorneys general of our State for the last three or four administrations have been holding that one mark at the head of the list of electors is sufficient to vote for all.

Mr. RAMSEYER. You do print the names of presidential electors on the ballot?

Mr. AYRES. Yes.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Chairman, under leave to extend my remarks, I submit for printing in the RECORD the five sections from the Iowa Code of 1924, which are as follows:

SEC. 748. All candidates on one ballot exception: The names of all candidates to be voted for in such election precinct, except presidential electors, shall be printed on one ballot.

SEC. 750. Candidates for President in place of electors: The candidates for electors of President and Vice President of any political party or group of petitioners shall not be placed on the ballot, but in the years in which they are to be elected the names of candidates for President and Vice President, respectively, of such parties or group of petitioners shall be placed on the ballot, as the names of candidates for United States Senators are placed thereon, under their respective party, petition, or adopted titles for each political party or group of petitioners nominating a set of candidates for electors.

SEC. 751. One square for President and Vice President: Upon the left-hand margin of each separate column of the ballot, immediately opposite the names of the candidates for President and Vice President, a single square, the sides of which shall not be less than one-fourth of an inch in length, shall be printed in front of a bracket inclosing the names of the said candidates for President and Vice President. The votes for said candidates shall be counted and certified to by the election judges in the same manner as the votes for other candidates.

SEC. 963. Time of election—qualifications: At the general election in the years of the presidential election, or at such other times as the Congress of the United States may direct, there shall be elected by the voters of the State one person from each congressional district into which the State is divided and two from the State at large as electors of President and Vice President, no one of whom shall be a person holding the office of Senator or Representative in Congress, or any office of trust or profit under the United States.

SEC. 964. How elected: A vote for the candidates of any political party or group of petitioners for President and Vice President of the United States shall be conclusively deemed to be a vote for each candidate nominated in each district and in the State at large by said party or group of petitioners for presidential electors, and shall be so counted and recorded for such electors.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. SUMNERS of Texas. Mr. Chairman, the gentleman from Ohio [Mr. MURPHY], who preceded the gentleman from Iowa [Mr. RAMSEYER], refers to this administration as an



"economy administration," and the gentleman from Iowa [Mr. RAMSEYER] who has just spoken has made reference to presidential electors. Those two references constrain me to direct the attention of the House to the very interesting proceeding which we had on yesterday in this Chamber, when representatives of the two bodies in solemn conclave met and told us for the first time who had been elected President of the United States. When I heard the first two States called—Alabama and Arkansas—I said to myself "Well, we have got 'em," but as the Clerk went along my enthusiasm and my hope vanished and I discovered that Calvin Coolidge had been elected President of the United States. [Laughter.]

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I will yield later on if I have time.

For the past several weeks there has been another important and solemn proceeding, or rather procession, wending its way Washingtonward, the messengers bringing to this city the election returns from the various States. From Maine to California, as the expression goes, they were coming. And every time the train on which they each rode passed a milepost 25 cents went out of the pockets of the taxpayers into theirs. This happened as to each State, even though the identical election returns had already arrived by mail. For four years I have been trying to get a bill passed under which the mails would be used, and messengers used only when necessary. Nobody who has examined the matter questions that it is safer than the present plan, adopted when this Republic was born—about that time, I think it must have been. The only difference is that it is safer and would cost the taxpayers about \$12, while the present plan cost something over \$12,000. I inquired of the President of the Senate, and I was advised that each return from each State had arrived at his office by mail, at a cost by registered mail, to be exact, of \$5.76. I am reminded of the fact that the certificates of our own election as Members of Congress come up here by mail. But days after the presidential returns have come up here we see coming to the Capitol these messengers, these varied and various messengers, all the way from beautiful young ladies to ex-soldiers of the Civil War, bringing in their handsome hand bags or in their humble oilcloth grips, as the case may be, the election returns, an identical duplicate of which the mail brings. This talk of economy administration is what got me started. This administration, whose watchword is economy, with emphasis on the "word."

I have introduced five different bills, beginning in January, 1921, to make it possible to use the mail in the first instance, and if the mail fails then send by messenger for the copy left in the State. If any of you know anything about fly fishing, I may say I have changed my fly five times and have not even gotten a strike. They have never even nosed my bait. [Laughter.]

It appears that my good friend from Ohio [Mr. CABLE], a member of the committee before which the bills are pending—I do not think he stole my suggestion: I do not accuse him of borrowing it, but there is no parliamentary word to express what he tried to do. [Laughter.]

Mr. CABLE. The committee waited about 15 or 20 minutes for the gentleman from Texas one day, and when it was apparent he had abandoned his bill, I took it up for him. [Laughter.]

Mr. SUMNERS of Texas. It is a tradition in that committee that some time in the last four years they waited for me for 15 or 20 minutes. I do not recall it, but I do not doubt it. But if it did wait 15 minutes for me once, what of it? I waited four years for it. I have worn out one or two chairs down there and have done irreparable injury to some of my clothes sitting around trying to get it to act. That committee has as fine a man for its chairman as there is in this House, and I am not complaining about him. It is a fine committee. And when the gentleman from Ohio came here with something that looked mighty like my bill I tried to help him get it through. I am not complaining about that. We are good friends. I compliment his energy and his enterprise. This is simply incidental; I wish he could have gotten his bill through.

Mr. CABLE. I will say that the gentleman tried to help as best he could.

Mr. SUMNERS of Texas. Yes; the best I could. Under this plan which I can not get changed by this economy administration the taxpayers pay \$759 to get the returns from the State of Washington; under the plan suggested it would cost 12 cents. From Arizona it now costs \$643; from Oregon, \$773.25. That 25 cents is for the extra mile. It costs 25 cents for each mile from each State for this absurd method which belongs to the days when mail was carried on horseback, or rather before we had a complete postal system.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN (Mr. RAMSEYER). The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. The present plan with regard to election returns, briefly stated, is that the electors shall execute three duplicate certificates. One copy is sent to Washington by messenger, one is sent by mail to the President of the Senate, and one copy is deposited with the Federal district judge of the district where the electors meet. If the certificate has not arrived in Washington by a certain time, a messenger is sent from Washington to bring in the copy left with the district judge.

As stated, I have introduced five different bills trying to tempt the committee to give the matter consideration.

The simplest one and the one which I think ought to be adopted, with one feature taken from the other bills, which deals with publicity, instead of the present absurd method of giving publicity in a newspaper of something everybody already knows about, provides for the same three certificates. One copy is to be left with the Federal judge, as under the present plan; one copy is to be sent to the President of the Senate, as under the present plan.

But instead of sending messengers from the States in the first instance, as under the present plan, the copy now brought by such messengers is to be deposited with the governor of the State, subject to the order of the President of the Senate. When the return from a given State does not arrive in Washington by a specified time the President of the Senate requests the governor of that State to send up the copy left with him. As a matter of fact, it would not happen once in a thousand times that neither copy sent by mail would arrive. At least it would most infrequently happen. But if it should happen, then the President of the Senate would send a messenger to bring up the copy left with the judge of the district. And in that case there would doubtless be a husky man with a gun sent to give that copy real protection.

As I said, the messengers who brought up the returns this year range all the way from beautiful young ladies to ex-Federal soldiers. Four years ago two of the messengers did not get here at all until after the votes had been counted and Mr. Harding declared elected.

If they throw the returns away, they are only fined a thousand dollars. When they bring these returns in there is no standard of caution. They evidently carry them in their pockets or in their hand bags. Anybody who was anxious to get possession would have a far better chance to do it than if the returns were in the mail car, where somebody is always on duty. If anybody had a hundred thousand dollars to send in to Washington, he would not for one moment think of sending it in by this method.

If the three copies are not deemed a sufficient number to insure safety, the electors could issue a dozen copies and send them to Washington on separate days until all element of hazard as to getting one copy here by mail would be eliminated. That is a detail. Besides, the feature of leaving more copies in the State, for which messengers could be sent, could be carried in the bill.

I not only have the element of economy and safety in view, but I say to you, my colleagues, the retention of this plan of giving free, unnecessary trips to Washington at public expense weighs with no small weight against the belief of the people in the sincerity of the claims of their Members of Congress that they want to reduce the burdens of government. It is not only unjust to taxpayers, but it is unjust to the Members of Congress themselves. What can you say when Members of Congress will not change this plan? Will not even try to change it. I know we have been busy these past four years. I may have failed for 15 minutes to attend upon the committee charged with first responsibility. I may have forgotten or failed entirely to attend some session of that committee. I am interested in this matter, but I do have some other duties to attend to. The chairman of this committee has had a very important matter with regard to which he has had responsibility. Other members of the committee have been busy. I do not assume to criticize or complain. I am just trying to add what I can to making sure that the expensive farce of having these messengers coming up to Washington will not be repeated four years from now.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. WELLER].

The CHAIRMAN. The gentleman from New York is recognized for one minute.

Mr. WELLER. Mr. Chairman and gentlemen of the Committee of the Whole House on the state of the Union, I desire to call your attention to an investigation that has been made, not only by myself but by others during the past few months, which shows that the people of the United States are not alive to their right of suffrage and franchise. Out of about 110,000,000 people in the United States, in round figures, according to the last census, only about 27,000,000 in 1920, or about 25 per cent, actually voted in the United States. In the presidential election of 1924, in round numbers, about 30,000,000 citizens voted, although nearly 60,000,000 people were eligible to vote.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WELLER. May I have one minute more?

The CHAIRMAN. The gentleman asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. WELLER. During last spring an investigation was made by Collier's Weekly, a New York magazine, which speaks frankly about the right of franchise and the lassitude that exists, for many citizens do not vote, and as a result of the investigation that was made a test was inaugurated and a prize was given to the State which would show the greatest proportional increase in the vote from 1920 to 1924. The State that won that contest was the State of Wyoming, and I have here a speech of presentation of the trophy that was delivered by the assistant editor of Collier's Magazine, Mr. William P. Larkin, a publicist, lawyer, and economist, who had charge of the contest. The speech was delivered at the joint session of the upper and lower houses of the Wyoming Legislature last Saturday, and the trophy was awarded by him to the State of Wyoming, which showed an increase of 37 per cent over the vote of 1920.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. WELLER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WELLER. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert the following speech made before the joint session of the Wyoming Legislature by Mr. William P. Larkin, who had charge of the contest:

SPEECH BEFORE THE LEGISLATURE OF WYOMING SATURDAY, FEBRUARY 7, 1925

Your excellency and gentlemen of the legislature, I thank the lady who by common accord so graciously and efficiently presides over this great commonwealth for the opportunity presented me to pay my respects to its executive head and its legislators and through them to the people of the State, and I appreciate beyond words the courtesy which this assemblage has extended to me in the discharge of a duty which is at once a privilege and an honor.

As I came across the continent, luxuriating in all the easy indolence and comfort of the modern Pullman, I could not help harking back to those sturdy pioneers who in years gone by braved the rigors of the elements and the dangers that lurked in every step of the way and who tamed the wilderness and fashioned out from these vast spaces a land that is a garden spot of our country and a people that in political prescience have in so many fundamentals blazed a trail for the other States of the Union.

I come from what we in the East love to refer to as the metropolis of the world, full of faults, perhaps, but, too, full of much that all Americans may justly pride in—to the State that holds the scenic beauties of the world, which apart from its illimitable resources of crops and dairy produce and forest and mineral land abounds in everything to delight the eye and enthrall the soul and refresh the heart of man—Wyoming, with its Yellowstone National Park, giant geysers and water falls and boiling springs and winding lakes and mighty canyons. Wyoming, which 35 years ago was politically far-seeing enough to write into its constitution the doctrine of equal rights to both sexes and which possesses the proud distinction of being the first among our States to reduce that declaration to practical application in the election as its chief executive of a regal type of womanhood.

New York likewise rejoices in a great Democrat as its governor, but in the other respect it still lags decades behind Wyoming, although in its last election it had the sanity and the sound sense and good taste to elect a member of the so-called weaker sex as secretary of state.

And now may I encroach upon your indulgence for a brief moment and take occasion to refer to the particular purpose of my presence here.

Several months ago the President of our country in an address before the Daughters of the American Revolution called attention to a condition which was fast threatening to sap our national life. I refer to the apathy of the voters throughout the country to exercise the priceless privilege of the ballot.

"The freeman casting with unpurchased hand  
The vote that shakes the turrets of the land."

Statistics showed that whereas in 1896 approximately 80 per cent of the voters in America cast ballots in the presidential election, this percentage has steadily decreased, until in 1920 less than 50 per cent of the eligible voters took part in the selection of our governing body and constitutional representatives.

In an effort to raise this descending curve of American democracy many great organizations and corporate bodies of one kind or another, and among them Collier's, the National Weekly, conducted a vigorous campaign with a view of impressing upon the people at large that American democracy was being imperiled through its own sheer laziness, and that we were in danger of becoming a nation of rocking-chair Paul Reveres or parlor patriots.

Think of it! Washington and his army fought eight long, terrible years for the blood-bought heritage of suffrage right under the inspiration of the ringing slogan, "No taxation without representation," and we have been deliberately frittering away our birthright.

Our struggle then was in effect a struggle for representation, for suffrage, for the ballot, and in that struggle we proclaimed forever to a despot-ridden world the divine right not of kings but of man. We changed for all time the universally accepted theories of government, gave new direction to the hopes and aspirations of humanity everywhere, and implanted on this continent a governmental idea that has not only encompassed the happiness of the fortunate ones privileged to live under its beneficent operation but has reached out to liberty-loving people the world over, lighting their footsteps to mankind's inalienable right to life, liberty, and the pursuit of happiness.

Thanks to that struggle, we have now a great popular constitutional Government, guarded by law and by judicature, and defended by the whole affections of the people. No monarchical force presses our States together; no iron chain of military power encircles them. They live and stand upon a government popular in its form, representative in its character, founded upon principles of justice and equality, and so constructed as to endure, please God, forever.

But free government is not an automatic device that works ideal results without any care on the part of its possessors. The fathers of our Constitution made us participating stockholders in the greatest corporation in the world—the United States of America—and if we do not give heed to the business of this corporation we might better hire a king, for in the premises we would be in imminent danger of an autocrat or a demagogue, which is much worse than the average king.

The man or woman, who, possessing the precious right of voting, does not exercise that right has done something to lower the esteem of the franchise of American democracy and to injure the ideals of our country; and to that extent has been disloyal to America.

The right of suffrage is the highest prerogative that is conferred upon us. It is a sacred trust given to citizens by the States and the Nation. In this Republic of ours all authority rests in the suffrage of the people, and the citizen who does not vote does not deserve to enjoy the benefits of a benevolent Government.

It may be paradoxical, but it is certainly true, that in falling off from 80 per cent in the exercise of our suffrage to less than 50 per cent our democracy has suffered a severe setback in recent years. In other words, while as a Nation we have been progressing in power, prestige, and prosperity our civic consciousness has gone backward.

We are justly proud of our material wealth. We exult with reasonably pardonable pride when we read that with a population of 6 per cent of the people of the world and 7 per cent of its area we possess 40 per cent of the world's wealth, that estimated in dollars and cents we have increased from \$186,000,000,000 of wealth in 1912 to \$320,000,000,000 in 1922, while—

Canada has only-----	\$22,000,000,000
Italy-----	25,000,000,000
Spain-----	29,000,000,000
Germany-----	35,000,000,000
France-----	67,000,000,000
England-----	88,000,000,000

The average per capita wealth of every man, woman, and child in our country is \$2,918, and in some States as high as \$6,998.

While the supposedly plutocratic State of New York has \$3,436 per person, out here in Wyoming you are away up among the leaders in this respect likewise, having a per capita wealth of \$4,663.

And yet let us pile our material wealth as high as Etna itself, and it is as nothing in comparison to the priceless privilege of the ballot.

We can lose our material wealth and start all over again, and American brain and American brawn and American ingenuity will



solve the situation; but let us ever lose this precious heritage and we part with something dearer than life itself, and compared with which all else in our political and economic system pales into insignificance.

Let us ever be mindful that the axiom "eternal vigilance is the price of liberty" was never truer than it is to-day.

It is pleasing to relate that the official figures of the last election show that, due perhaps in some small measure to the "get out the vote campaign," the declining trend was arrested and that 51.2 per cent of American citizens qualified to vote did so, as compared with 49.1 per cent in 1920; so that we can at least lay the soothing unction to our souls that on this occasion the majority of our citizens manifested an active, intelligent interest in the business of their Government.

Tabulated results show that Wyoming, which has always stood high in this percentage list, had the greatest proportional increase in its vote for President over its vote in 1920.

While the average for the Nation at large was 51.2, a net percentage increase of 4.2, the State of Wyoming cast 70.8 per cent of its eligible vote and led the country with a proportional increase of 37.7 per cent.

And so I am here, happy to be the instrumentality of presenting a trophy that was offered during the campaign to the State showing the greatest proportional increase in its vote.

I present it on behalf of the organization which I represent to the people of Wyoming, through your excellency, not as a reward, for patriotism, like virtue, is its own reward, and it would be an impertinence and a work of supererogation to put a premium on the performance of their manifest duty by any body of our citizenry, even when, as in this instance, that duty was performed in a superlatively excellent manner; but I present it rather as a signpost to mark an epoch-making manifestation of patriotic effort on the part of the people of this Commonwealth as contrasted with the efforts of their fellow citizens in other States.

I present it as a reminder to the thousands who visit the State house in Wyoming that its citizens are second to none in their expression of appreciation of their God-given right to vote.

I present it as an exemplar and inspiration to all citizens just coming to their voting years.

And, finally, I present it as an emblem and a symbol that the people of this State are strong in peace as they are in war, and that they value to the full the precious heritage bequeathed to us by the men who fought and bled that this America of ours might be free and that through the exercise of the sacred privilege of the ballot it should forever continue a government by and with the consent of the governed and by, with, and of the people.

[From the New York Times]

**WYOMING LEADS ALL IN INCREASED VOTE—MAKES PROPORTIONAL GAIN OF 37.7 PER CENT AND WINS CITIZENSHIP TROPHY—NEW YORK TOTAL UP 7.4 PER CENT—BALLOTS CAST BY MORE THAN HALF OF QUALIFIED VOTERS AT LAST ELECTION, SAYS ASSOCIATION**

With the completion of tabulation of the popular vote cast at the 1924 presidential election, Wyoming was announced yesterday as the winner of the citizenship trophy offered by Collier's, the national weekly, to the State making the largest proportional increase in its vote for President over its vote in 1920.

Wyoming showed a proportional increase of 37.7 per cent, the next States being Mississippi, with a proportional increase of 36.1 per cent; Texas, with 27 per cent; California, with 26.1 per cent; and Rhode Island, with 23.4 per cent. New Jersey, with a proportional increase of 11.2 per cent, was twelfth, with New York sixteenth, with 7.4 per cent.

The net percentage increase for the whole country was 4.2 per cent. At the last election 51.2 per cent of American citizens, qualified to vote, did so, as compared with 49.1 per cent in 1920.

The trophy awarded Wyoming is made of silver, bronze, gold, and walnut and represents an American eagle alert on a ballot box. It is 39 inches high and 24 inches wide. Arrangements are being made for William P. Larkin, vice president of Collier's, to present it to the State.

The accompanying tabulation of the vote by States in the order of percentage of increase or decrease was prepared by the National Association of Manufacturers, which was active in stimulating the general "get-out-the-vote" campaign which preceded the last election.

In commenting upon the tabulation a statement by the association said that political leaders would make their own deductions from the fact that out of 20 States showing a decrease in the vote 12 were Southern States.

"Vermont had a special reason for polling 102,907 of its 199,122 voters and raising its performance 14.3 per cent from 45.2 per cent of its eligibles in 1920 to 51.7 per cent of its eligibles in 1924 to keep one of its native sons in the White House," the statement added. "Maine alone of the New England States reported a decline."

Gain in percentage of voters in 1924 election

State	Per cent of votes cast, 1920	Eligible voters, 1924	Vote cast, 1924	Per cent votes cast, 1924	Per cent increase
Wyoming	51.4	113,197	79,900	70.8	37.7
Mississippi	9.4	872,094	112,463	12.8	36.1
Texas	21.8	2,383,836	661,195	27.7	27.0
California	48.9	2,164,020	1,336,598	61.7	26.1
Rhode Island	53.1	300,692	216,226	71.7	23.4
Oregon	49.6	476,594	270,488	58.5	17.9
Nebraska	55.8	707,287	464,169	65.6	17.6
Vermont	45.2	199,122	102,907	51.7	14.3
Kansas	57.9	1,000,277	662,451	66.2	14.2
Wisconsin	52.6	1,401,767	840,821	59.9	13.8
Illinois	60.5	3,638,323	2,470,067	67.9	12.2
New Jersey	59.4	1,645,698	1,087,859	66.1	11.2
Pennsylvania	42.7	4,540,030	2,144,719	47.2	10.5
Colorado	56.1	551,637	340,663	61.8	10.1
South Dakota	56.5	332,461	202,062	60.8	7.6
New York	56.7	5,355,624	3,263,931	60.9	7.4
Georgia	10.6	1,471,962	166,573	11.3	6.6
Minnesota	59.4	1,301,177	822,146	63.1	6.2
Iowa	65.4	1,407,702	976,515	69.4	6.1
Massachusetts	54.6	1,949,093	1,129,837	57.9	6.0
West Virginia	71.7	788,125	566,836	74.8	4.3
New Mexico	62.1	175,062	112,830	64.5	3.8
New Hampshire	67.6	237,457	164,769	69.6	2.9
Oklahoma	48.2	1,078,160	532,503	49.4	2.5
Connecticut	58.0	679,749	401,033	58.9	1.5
Michigan	55.6	2,057,509	1,155,131	56.1	.9
Utah	70.5	220,908	156,990	71.0	.7
Washington	52.8	795,034	421,549	53.1	.5
WHERE THE VOTE FELL OFF					
Florida	30.7	552,424	109,154	19.7	35.8
Alabama	21.2	1,176,310	163,263	13.8	34.9
Tennessee	35.5	1,238,146	300,450	24.2	31.8
Arkansas	21.3	897,119	138,532	15.5	27.2
South Carolina	8.6	806,880	60,751	6.3	26.7
Maryland	52.3	833,387	358,630	42.1	19.5
North Carolina	44.6	1,274,209	482,674	37.9	15.0
Montana	61.7	326,451	174,423	53.3	13.6
Kentucky	71.9	1,304,520	815,332	62.4	13.2
Delaware	75.4	130,716	90,916	69.4	7.0
North Dakota	70.3	305,654	199,081	65.0	7.5
Virginia	19.3	1,243,482	223,603	17.9	7.2
Ohio	62.6	3,461,728	2,016,237	58.4	6.7
Louisiana	14.0	924,735	121,951	13.2	5.7
Maine	47.0	426,605	192,192	44.9	4.5
Arizona	47.5	162,859	73,991	45.4	4.4
Indiana	74.1	1,772,596	1,272,390	71.7	3.2
Missouri	67.7	1,993,752	1,307,958	65.6	3.1
Nevada	62.7	43,410	26,921	62.0	1.1
Idaho	61.8	242,005	148,295	61.2	.9
Totals	49.1	56,941,584	29,138,935	51.2	4.2

<sup>1</sup> Per cent increase.

Total eligibles, 1920, 54,165,907.

Total vote, 1920, 26,646,273.

#### MESSAGE FROM THE SENATE

The committee informally rose; and Mr. BARBOUR having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 11753) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1926, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JONES of Washington, Mr. SMOOR, Mr. SPENCER, Mr. OVERMAN, and Mr. HARRIS as the conferees on the part of the Senate.

#### LEGISLATIVE APPROPRIATION BILL

The committee resumed its session.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 30 minutes to the gentleman from Kansas [Mr. WHITE], the David Harum of the House. [Applause.]

The CHAIRMAN. The gentleman from Kansas is recognized for 30 minutes.

Mr. WHITE of Kansas. Mr. Chairman and gentlemen of the committee, I propose to talk to you a little while about what is generally designated as the Norris resolution, a resolution that has to do with the beginning of the congressional term and presidential term, a subject which is not dealt with in the Constitution but which can not be changed without a constitutional amendment, for the reason that the beginning of the term of Members of the House and Senate and the President is not fixed in the Constitution. Therefore, a resolution having passed the Congress of the Confederation fixing the first Wednesday in March, 1789, to begin

proceedings under the Constitution, thereby automatically fixed the beginning of the congressional term. It is easy to believe—and most natural and logical—that the members of the convention had in mind when they concluded their labors at Philadelphia in September of 1787 that the ratification of a sufficient number of States to validate that Constitution and the election of the United States Senators might be consummated in time to meet for the first time on the first Monday in December, 1788, as provided for in the Constitution—that is, provided as the annual day upon which the Congress should meet. But such was not the case. So much discussion was brought out in the conventions of the different States in their deliberations upon that document, so much delay was had in the choosing of United States Senators by the different States, that it became impossible to meet upon the first Monday in December, 1788, and, as I have said, the first Monday in March was the earliest day which the Congress of the Confederation could safely fix, authorizing the beginning of proceedings under the Constitution, and that act automatically fixed the day upon which the congressional term began.

Gentlemen, we are, I believe, very much inclined to take our liberties largely as a matter of course. We are now so far removed from the stirring events of the formative period of our country as to see them only in dim retrospect.

But our Constitution holds an unique and unusual place among the different constitutions of organized society in that it is a short written document. And I am pleased to note that more and more, as the years go by, in the public and high schools of the country attention is being directed to a study of that greatest of human documents. It would be, in my judgment, a wise expenditure of public money to place a copy of the Constitution in every home in the United States. [Applause.]

I believe it is fair to say that whatever of the cohesive elements ever residing in the confederation was largely imparted to it by the perils and necessities of the Revolutionary War itself, and immediately upon the successful close of that war the inherent defects of the confederation were disclosed in all their fatal and paralyzing consequences.

The inherent defects, I will say—impotency of the organization, its inadequacy to meet the grave, serious, and imperative exigencies of the times—presented to the thoughtful, patriotic men of that day a most serious problem. They clearly saw in the fast-developing situation the disintegration and final dissolution of the Union.

It is doubtful if any more unselfish patriot has ever had to do with the affairs of our country than James Madison. Probably no more vivid picture can be found in the writings of the period just preceding the Constitutional Convention, setting forth the extremities of the Government, than is afforded in a letter of Mr. Madison to Mr. Edmund Randolph, of Virginia, written from New York under date of February 25, 1787, in which Mr. Madison says in substance that the situation was then becoming every day more and more critical. There was no money coming into the Treasury. There was no respect paid to the Federal authority. Mr. Madison states it as his judgment that people of reflection were in unanimous agreement that the existing confederation was tottering to its foundation.

Mr. Madison further declared in exact words:

Many individuals of weight, particularly in the eastern district, are suspected of leaning toward monarchy; other individuals predict a partition of the States into two or more confederacies. It is pretty certain that if some radical amendment of the single one can not be devised and introduced, one or other of these revolutions—the latter, no doubt—will take place.

But it must not be presumed that the dire extremities of the country as described by Mr. Madison and many, very many of his ablest contemporaries produced a unanimity of view in relation to the system to be adopted in place of this tottering structure of society, either as to the extent or the division of its powers. I can not here undertake to catalogue, much less discuss, the different propositions submitted on every provision, nor yet the great divergence of opinion expressed. However, a spirit of accommodation generally prevailed, largely inspired, no doubt, by the necessities of the occasion.

I do not think it possible that this phlegmatic world nor the people of this great progressive Republic as a whole, have yet risen to an adequate appreciation of the great blessing the work of the fathers has conferred upon them and all the races of mankind.

For surely its influence is constantly broadening and will continue to so do until all peoples shall become the inheritors of its blessings.

Transcendent above the heads of all to whom we as a people give highest credit and entertain most devoted affection is Washington. Not only that, but his influence, his fame, and his qualities as a statesman and patriot are appreciated throughout the world. Almost 100 years ago one of the most renowned of English writers contemplating, as he viewed it, the decadence of liberty, the power and abuses of tyranny and the servitude of the people in the older countries of the world, in speaking on this very subject, said:

Has freedom now no champion and no child?  
Such as Columbia saw when Washington  
Sprang forth a giant undefiled?  
Or are such spirits nurtured  
Only in the deep, wild, unpruned forest,  
Within the sound of breakers' roar.  
Or has the earth no more such seeds  
Within her breast,  
Or Europe, no such shore.

The Executive power has never been abused to the detriment of the country from the days of Washington to this good day. The Nation has had patriotic, true men in that high office; men devoted to the best interests of the Republic as they saw it. None have been recreant to duty; none unfaithful to their high responsibilities. Some of them—yes; I will say, many of them—have sprung from the humbler walks of life, yet whose attainments have been of the very highest standard and whose public service will shine with undimmed luster through the ages yet to come.

Three of them—Lincoln, Garfield, and McKinley—have fallen by the assassin's hand. President Wilson, borne down beneath a weight of care and responsibility that finally broke his strength became a martyr to his country as truly as if he had died in battle. Of these great names may we not say with Tennyson, they were as one.

Who breaks his birth's invidious bar,  
And grasps the skirts of happy chance,  
And breasts the blows of circumstance  
And grapples with his evil star;  
Who makes by force his merits known  
And lives to clutch the golden keys,  
And mold a mighty state's decree,  
And shape the whisper of the throne.

It may not be inappropriate at this point to note some of the questions on which the delegates were divided. Mr. Randolph's pattern or model provided for a national executive to be elected by the National Legislature. A notable feature of the Pinckney plan was that it also provided for a national executive, but strangely included no provision for the manner of his election. Mr. Wilson, of Pennsylvania, at first suggested three years for the executive term with reeligibility provision. This was in the debates. Pinckney favored seven years.

Mr. Mason was for seven years and against reeligibility. Mr. Bedford strongly opposed the long term and impressively dwelt upon the great evil to the public in the case of an incompetent executive being in office for so long a term.

On Friday, June 1, a motion fixing the term at seven years was carried, but later in the session was reconsidered and four years, with no limit on eligibility for reelection, was approved; but no Executive in our history has ever been more than twice elected President.

Mr. Gerry, of Massachusetts, opposed the election by the National Legislature and argued his objections at great length. Mr. Wilson, of Pennsylvania, was first to propose the electoral system for choosing the Executive.

Mr. Williamson, of North Carolina, opposed this proposition. The first vote on this proposal was beaten, 8 against and but 2 in favor. It was at this point, on June 2, that Dr. Franklin presented his great argument against any payment to the Executive.

There was much disagreement as to the number of persons constituting the executive office. Time does not permit even a brief résumé of the views expressed. I introduce but two or three brief allusions. Randolph strongly favored the idea of three persons. Wilson was from the first favorable to unity in the Executive. The subject was postponed from time to time.

CIRCUMSTANCES ATTENDING THE ADOPTION OF THE CONSTITUTION AND THE SYSTEM OF GOVERNMENT THEREBY ESTABLISHED AND OPERATED THEREUNDER

It is as true of the formative period or the immediate period preceding the adoption of the Constitution as it was of the period immediately preceding the launching of the Revolution,



that unity of action was imperatively necessary to the success of the great undertaking.

The framers of the Constitution were entirely cognizant of the defects of the Articles of Confederation. Not all the people of the States were in favor of the reorganization. There was, indeed, much contrariety of view both in and outside of the convention that framed that great document. All was not harmonious in the counsels of the convention. The study of that period in our history is of most absorbing interest to the student of American history.

There was no question as to the power theoretically vested in the Congress of the United States under the Confederation, but its weakness was an almost total absence of executive authority.

The first step was for security, the next for independence, and then for such united organization as their mutual interests and really as the imminence of the public danger demand.

The sources of stability in our Government were discussed at length and by none more forcefully and eloquently than by Mr. Dickinson, of Massachusetts. The security for the rights of the individual were safeguarded as under no preceding Constitution, and the limitations of Executive power defined as never before in the history of human government.

It was on the point of the unity of the executive office that Mr. Randolph registered his strongest opposition.

Few, if any, of the great questions with which the convention had to deal were more strongly controverted than this question of the organization of the Executive power. Since that day many of our eminent writers have commented learnedly on the subject, such as Madison, Marshall, Story, Curtis, and many others, and such distinguished eminent foreign writers as De Tocqueville, Chambrun, and Bryce have approved of it.

I think it may be said that no branch of the Government is more in accord with American ideals than is the organization of the Executive power as it exists under the Constitution.

In the beginning it may have been accepted with less complacency, and I may say with more real misgiving, than any power granted in the Constitution, but now regarded as entirely consistent with liberty and public security, and at the same time there is imparted the important element of vigor, which might not have been the case under a different organization.

One of the purposes of the resolution to which I shall briefly invite your attention is to clarify and extend the authority vested in the House of Representatives to choose a President, in a paragraph of the twelfth amendment to the Constitution.

Only twice, I believe, in the course of our constitutional history have we found it necessary to proceed under the authority conferred by that amendment—once, in 1825, in the election of a President, and again, in 1837, in the election of a Vice President. A good deal of discussion has been had on the question of what might develop of serious consequence to the orderly continuity of the functions of the Executive branch of the Government in a not at all improbable event where the election of a President and Vice President should be thrown into the House and Senate on account of no candidate for either office having a majority in the Electoral College and the House should fail to elect a President before the time set for the beginning of his term and the Senate should fail in the same manner to elect a Vice President. Certainly the importance of this to the Nation can hardly be exaggerated.

Here is a situation for which the Constitution has made no provision whatever, not even to the extent of conferring legislative authority to provide a remedy.

It requires not much argument to stress the importance of this subject.

Almost 40 years ago the Congress was so strongly impressed with the importance of providing for the possibility of a vacancy occurring in the Executive office through the removal, death, resignation, or inability of both the President and the Vice President that a law was passed in 1837 declaring what officer should act in such an emergency.

The resolution I am discussing confers upon Congress the power to declare by law what officer shall act as President in a case where the election devolves upon the House, until the House shall elect a President or until the Senate shall elect a Vice President.

Now, I have been asked so many times in personal conversation on this subject as to what would be the result under the provisions of the Norris resolution in case the Senate should elect a Vice President before the House elects a President, that I deem it proper, although not necessary, to say that in that case the Vice President would act as President only until the House, proceeding under its constitutional authority, should elect a President.

Let me state here that under this resolution the authority of the House to elect a President survives indefinitely, as does the power of the Senate to elect a Vice President.

#### PURPOSES OF THE PROPOSED AMENDMENT

The constitutional amendment which this resolution proposes will accomplish the following:

(1) The newly elected Congress will count the electoral votes, and in case a majority has not been received, the newly elected House of Representatives will choose the President, and the Senate—including the newly elected Senators—will choose the Vice President;

(2) The newly elected President, Vice President, and Members of Congress will take office approximately two months after their election;

(3) The new Congress may assemble approximately two months after the election; and

(4) A necessary amendment will be made to the twelfth amendment and certain ambiguities will be removed.

#### COUNTING ELECTORAL VOTES BY NEWLY ELECTED CONGRESS

Under the present Constitution the old Congress counts the electoral votes, the retiring House of Representatives chooses the President whenever the right of choice devolves upon the House, and the Senate (including the retiring Senators) chooses the Vice President whenever no person has received a majority of the electoral votes.

In order that these duties may devolve upon the new Congress, the first section of the proposed amendment provides that presidential terms shall begin January 24 and the terms of Members of Congress on January 4. This permits the new Congress to assemble, and affords it 20 days before the terms of the President and Vice President begin in which to count the electoral votes and to make the choice if a majority has not been received. In order to provide ample notice and opportunity to attend, and to prevent any possible retroactive interpretation, it is provided, in section 4, that this section shall take effect on the 30th day of November following the ratification of the amendment.

These results can be obtained only by a constitutional amendment. Obviously, the new Congress must meet and the term of the new Members must begin prior to the date on which the President's term begins. This necessitates a shortening or lengthening of terms which are fixed in the Constitution and which now begin on March 4.

#### CHANGING THE TERMS

Under our present system, the life of the new Congress begins on the 4th day of March of the odd years, and the first meeting of the new Congress is on the first Monday of the following December. The newly elected Members have no opportunity for 13 months even to begin to put into effect the policies on which they were elected, unless an extraordinary session of the Congress should be assembled by Executive proclamation before that time.

The first section of the proposed amendment provides that the terms of the newly elected President and Vice President shall begin on the 24th day of January, and that the terms of the newly elected Members of Congress shall begin on the 4th day of January. Under this provision the newly elected officers will take office and be prepared to carry out the policies on which they were elected approximately two months after their election.

A constitutional amendment is necessary to enable the newly elected officers to take office before March 4, for this necessitates a shortening or lengthening of the terms of the officers whom they succeed. Congress now has power to prescribe the day on which the Congress is to assemble, but under that power, obviously, Congress can not change the dates on which the terms begin.

#### ASSEMBLING OF THE NEWLY ELECTED CONGRESS

Section 2 of the proposed amendment provides that the Congress shall assemble at least once in every year and that such meeting shall be on the 4th day of January, unless they shall by law appoint a different day.

This section is similar to the second paragraph of section 4 of Article I of our present Constitution. If section 1 is adopted and the terms of Members of Congress begin on January 4, Congress should meet on that day. Furthermore, after a presidential election it will be necessary that the new Congress meet immediately.

Under the second paragraph of section 4 of Article I of the Constitution, Congress has the power to prescribe the day of meeting, but terms must be shortened or lengthened if the newly elected Congress is to meet before March 4. It is the belief of your committee that the newly elected Congress should

assemble as soon as practicable after the election. By providing for the meeting in January, it is submitted that substantially the same amount of work can be accomplished before the 1st of June as under our present system of meeting the first Monday in December. If we relied upon our statutory power and provided for a meeting immediately after the terms of office commenced (on March 5, for example), it is very likely that the new Congress would have to remain in session during a part of the summer months. Furthermore, constant confusion between the duties of the old and the new Congress in respect of the appropriation bills for the new fiscal year, and other similar matters, would exist.

This section fixes the 4th of January for the meetings of Congress unless another date is fixed by law, and will supersede the second paragraph of section 4 of Article I of the present Constitution, which provides (as stated above) that the Congress shall assemble at least once in every year, and that such meetings shall be on the first Monday in December unless they shall by law appoint a different day. When this section of the proposed amendment takes effect, it will be impossible, obviously, for Congress to meet during that year on the 4th day of January. Inasmuch as the second paragraph of section 4 of Article I of the present Constitution is superseded, it will be unnecessary for Congress to meet on the first Monday in December. Therefore, unless Congress by law provides for a meeting during that year, it will not meet until the 4th day of January of the following year.

#### THE TWELFTH AMENDMENT

Under our present Constitution there is no provision for the case where the House of Representatives fails to choose a President and the Senate fails to choose a Vice President. Section 3 of the proposed amendment authorizes Congress to provide for this situation.

There is also an ambiguity in the twelfth amendment, in that it does not state whether it is the retiring Vice President or the newly elected Vice President who is to act as President if the House of Representatives fails to choose a President before March 4. Section 3 of the proposed amendment specifically provides, in accordance with the generally accepted interpretation, that in such case the newly elected Vice President shall act.

The twelfth amendment now provides that if the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, "before the 4th day of March next following," the Vice President shall act as President. The phrase quoted must be changed in order to meet the proposed change in dates, and section 3 of the proposed amendment substitutes the phrase "before the time fixed for the beginning of his term."

A further ambiguity in the twelfth amendment is found in the sentence which provides that if the House of Representatives has not chosen a President "before the 4th day of March next following then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President." But it does not state specifically whether the power of the House of Representatives to elect a President extends beyond the 4th day of March or whether it ceases on that date and the Vice President holds office for the entire term. It is the belief of your committee that the reasonable and proper interpretation is that the power of the House of Representatives does not terminate on the 4th day of March. This situation presents one of the chief differences between the Senate resolution and the House resolution, and will be discussed in detail in that portion of the report.

#### SHORTENING THE TERMS

As indicated above, some terms must be changed in order to accomplish the results which your committee believes are heartily favored by public opinion.

Two possible alternatives have been suggested:

(1) The terms of those in office at the time this amendment become effective may be shortened by approximately two months; or

(2) The terms of those in office at such time may not be affected, but the terms of their successors may be shortened by approximately two months.

In submitting the proposed amendment your committee, after careful consideration, has adopted the first of the above plans. The reforms sought by the amendment should have the earliest possible application after its adoption. The other possibilities merely postpone unnecessarily the effect of the amendment.

#### DIFFERENCES BETWEEN SENATE AND HOUSE RESOLUTIONS

There are three essential differences between the Senate and the House resolutions.

First. As explained above, the House resolution provides that the terms of the newly elected President and Vice President

shall begin on the 24th day of January and the terms of newly elected Members of Congress shall begin on the 4th day of January. The Senate resolution fixed the third Monday in January and the first Monday in January, respectively, as the dates on which the terms should begin.

Second. The House resolution adopted what your committee believes is a fair interpretation of the twelfth amendment, and specifically provided that the power of the House to choose a President continued beyond the 4th day of March. The Senate resolution terminated this power on the 4th day of March, and provided that on that date the Vice President shall become President during the remainder of the term.

Third. The House resolution provided that sections 2 and 3 should become effective immediately upon the ratification of the amendment and that the first section should become effective on the 15th day of December following the ratification of the amendment. The Senate resolution provided that the entire amendment should take effect on the 15th day of October after its ratification.

#### DIFFERENCES IN THE DATES FIXED

Under the Senate resolution the President will not be elected for four years, Senators will not be elected for six years, and Members of the House of Representatives will not be elected for two years. They will be elected for varying terms, commencing on a Monday and ending on a Monday. Your committee believes that considerable confusion will be occasioned thereby, and for that reason has fixed definite dates.

Under the Senate resolution there would be but two weeks for Congress to count the electoral votes; for the House of Representatives to elect a President if no person has received a majority, and for the Senate to elect a Vice President in a similar case. Under the House resolution a period of 20 days is provided. Your committee believes that a 20-day period is preferable and in many instances may be necessary.

#### POWER OF THE HOUSE OF REPRESENTATIVES TO CHOOSE A PRESIDENT AFTER THE 4TH DAY OF MARCH

Section 3 of the Senate resolution terminated the power of the House of Representatives to choose a President after the 4th day of March. Under section 3 of the House resolution the power of the House of Representatives is preserved and may be exercised after the 4th day of March. Your committee does not desire to enlarge the existing powers of the House of Representatives in that respect, nor does it believe that the powers of the House of Representatives should be diminished. The House resolution presents what your committee believes was the intention of the framers of the twelfth amendment.

The twelfth amendment provides that if the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, "before the 4th day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President."

In order to ascertain what happens "in the case of the death or other constitutional disability of the President" it is necessary to refer to the sixth paragraph of section 1 of Article II. This paragraph is as follows:

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

It will be noted that there is no indication of whether the Vice President holds office during the disability only, so that upon the removal of the disability the President would again assume the powers and duties, or whether the Vice President continues to exercise the powers and duties for the remainder of the term.

The last portion of the paragraph, relating to the case where both the President and the Vice President become disabled, states that the officer shall act as President "until the disability be removed." It does not state whether the disability refers to the President or the Vice President, but it would certainly seem that it means either, and that the provision contemplates the resumption of the office by the President if his disability is removed. Consequently, it would seem that the same situation was contemplated if the Vice President were holding the office.

Referring again to the twelfth amendment, if the sentence quoted had ended "as in the case of the death of the President," the answer, of course, would be that the Vice President



would hold office for the remainder of the term. However, the phrase "or other constitutional disability" is included. In the situation under discussion the "constitutional disability of the President" is merely that the President has not been chosen by the House. This "disability" is immediately removed upon his election by the House.

The provisions are admittedly ambiguous. However, your committee believes that the proper interpretation is that when the disability is removed the President again assumes his powers and duties; and that when the House elects a President he takes his office and the Vice President no longer acts as President. Accordingly your committee recommends that the ambiguity be removed and that the continuing power of the House be established beyond question.

Furthermore, the provision in section 3 of the Senate resolution, terminating on March 4 the power of the House of Representatives to choose a President, is ambiguous. Suppose, for example, that Congress by general law has provided that the outgoing Secretary of State shall act as President, where neither a President nor a Vice President is chosen before the time for the beginning of his term. Under the last clause of section 3 of the Senate resolution the Secretary of State will then act "until the House of Representatives chooses a President or until the Senate chooses a Vice President." If the House of Representatives chooses a President on March 5, and before the Senate has chosen a Vice President, does he become President or does the Secretary of State continue to act as President—that is, does the provision of the Senate resolution terminating the power of the House on March 4 apply where neither a President nor a Vice President is chosen? Assuming that the power of the House is not terminated in this case, the following question is presented: If the Senate chooses a Vice President on March 5 and the House of Representatives chooses a President on March 6, does the person chosen by the House of Representatives become President or did the Vice President upon his election "become President during the remainder of the term"?

#### THE EFFECTIVE DATES

The Senate resolution postponed the effective date of the entire amendment until the 15th day of October after its ratification. Under the amendment proposed by your committee sections 1 and 2 become effective on the 30th day of November following the ratification of the amendment, and section 3 becomes effective immediately upon the ratification.

Section 3 is related solely to the twelfth amendment. Your committee believes that it should become effective immediately in order to be applicable to the first situation which might arise.

The principal purpose of postponing the effective date of sections 1 and 2 is to provide adequate notice of the ending of the terms and to afford ample opportunity to attend the first session of the new Congress. Your committee believes that one month and four days will be sufficient for this purpose.

It might appear from a first reading that the effective date is earlier under the Senate resolution than under the House resolution. That such is not the case will be discerned readily from the following example: If the thirty-sixth State ratifies the amendment on the 15th day of November, 1928, the entire amendment will not become effective, under the Senate resolution, until the 15th day of October, 1929. Under the House resolution, on the other hand, the amendment will become effective on November 30, 1928.

Your committee believes that the entire amendment should become effective upon the earliest date possible.

#### NECESSARY STATUTORY AMENDMENTS

If the proposed amendment is ratified, certain amendments to existing statutes will be necessary. Upon the adoption of the resolution submitting the amendment for ratification a bill will be introduced proposing the necessary changes.

#### ON SECTION 3

I really know of no valid objection to the change proposed. Many, very many, of our progressive men have been its most energetic champions. The American Bar Association is on record in what to me seems unanswerable argument favoring the resolution in all its provisions. I quote from House Public Document No. 204, Sixty-second Congress, second session (year 1912). In an appendix thereto Mr. Richard Wayne Parker goes into the subject most exhaustively, strongly favoring the changes included in a similar resolution before the House Committee on the Judiciary in 1912.

I have been told that an attorney connected with the United States Department of Justice has prepared an opinion to the effect that the Congress has constitutional power to legislate

for the situation covered in section 3—that is, where the House and Senate both fail to act before the day set for the beginning of the term—but I have not seen the document. If there is such a document, it seems to have led a solitary existence in a densely populated community.

This view is in such positive contradiction to all accredited constitutional writers that I do not think it requires particular notice at this time.

As I have said, it is a most dangerous doctrine, possibly not so much in the particular instance to which it is now sought to be applied, but rather to the danger to which it might be extended in making the power of the Congress supreme.

#### LENGTH OF TERM

It seems to have been uniformly held by writers on the subject that the effect of article 1, section 2, of the Constitution, is to put it out of the power of Congress to either abridge or extend the term of two years there prescribed. The section referred to reads as follows:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the same qualifications requisite for electors of the most numerous branch of the State legislature.

I draw but one conclusion from an examination of the debates on that subject in the Constitutional Convention, and that is that the length of the term was to be fixed definitely in that instrument, subject to change only by constitutional amendment, and while there was extended debate on the question and several propositions were submitted as to the length of the term of the Members of the House, motions were debated proposing one year, three years, and two years, which latter term was finally adopted unanimously.

A noted writer on the subject of amending the Constitution has said: "Both Congress and the people usually betray mental inertia." The twelfth amendment, the defects of which the present proposed amendment seeks to more fully correct, was only submitted after the Jefferson-Burr contest had shown the dangerous defects in the original section governing in that case.

I have not time to discuss it. Judge Joseph Story refers to the Jefferson-Burr case as one which threatens the subversion of the Union.

#### DEFECTS OF THE ARTICLES OF CONFEDERATION

The great necessity for the introduction and application in Government of the principles set forth in the Constitution was not that there would be any decadence in our civilization, either personal or civil. Certainly there was no thought of danger in their minds that communities which had so far progressed and had been so long the beneficiaries of the blessing and benefits of popular government should ever relapse into what Hamilton defines as feudal anarchy.

It was for other and entirely different reasons that the fathers felt the imperative necessity for the more perfect union it is most happily stated in the preamble itself. The weakness of the confederation was clearly evident. The best minds of the time agreed that foremost among its palpable defects was the utter impotency to enforce concert of action in the common defense or to raise the necessary revenues to support that defense and carry it on.

The emergency for which this resolution seeks to provide is not an imaginary one. Indeed, we are fortunate to have so long escaped its consequences. We are confronted with its possibility once in every fourth recurring year in all the days to come. Should we not amidst the tranquillity of undisturbed conditions provide for an emergency that would break the continuity of the Executive branch of the Government?

It is not at all surprising that the framers of the Constitution in their great anxiety to remedy the defects of the Articles of Confederation, having discovered that many of the things expected of the former compact had proved to be illusory and fallacious, should in the beginning of the Government have overlooked the probability of a serious emergency to which our attention is now directed, as the Congress did for many years, the possible emergency of the removal, disability, or death of both the President and Vice President.

Now, every member of this committee, I take it, is entirely familiar with the arguments urged in favor of the proposed amendment, in re the beginning of the congressional and presidential terms. It is not by any means a new or a novel proposal. It has been much discussed in the public prints for many years past. I do not say that enthusiasm has risen to a high pitch, for it is not a partisan question, but nevertheless is fundamentally very important to all the people of the country. There may be some opposition to this provision of the

resolution, but certainly not to the principle on which it is founded, and which is its one and paramount defense and justification, and that is that it conforms to and vindicates entirely the theory of popular government. To me it is an incongruous thing that for 135 years the American Nation entirely devoted to the idea of popular government, furnishing the most unequivocal proof of that devotion by the greatest interest in all questions affecting the public welfare, giving expressions by the millions of votes to their choice of men and measures, and then subsiding into a practice which may for 12 months retard it, if, indeed, it does not entirely nullify their clearly expressed choice of policies.

We hear a lot of talk about "lame ducks." Gentlemen, the fault is not with the men who sit in our legislative body and for months stay the wheels of legislation; not at all. It is with the system. Gentlemen, the outgoing Members were elected on issues as clearly defined as were those who succeeded them; they can not be criticized. But the country has decided to reverse its policy. It has registered a vote of no confidence. Why should a repudiated party retain power, even for a single day? Why should there be delay? Why not at once put into effect the verdict thus delivered?

I have heard no valid objection. There can be none consistent with our ideas of popular government.

The meeting of the Congress on the first Monday in December has not been a rule adhered to invariably. The first session of the Congress met, as we have observed, on the 4th day of March, 1789; the second session on January 4, 1790; and the third session on December 6, Monday of the same year. Three sessions were held, only one of which met on the first Monday of December. The election of United States Senators by the legislatures of the States rendered the beginning of the term of the new Congress on the first Monday following the election impracticable, but on account of the seventeenth amendment this has ceased to be a factor.

But the beginning of the congressional term having been fixed by the meeting of the first Congress on the 4th day of March, 1789, and the length of the term being fixed in the Constitution, we have made to our hands an automatic rule from which we can not escape without amending that instrument, for clearly Congress is without authority to change the length of the term of the Members of the Congress of the President and Vice President, and I think very wisely so.

This was discussed at length in the Constitutional Convention. It was the clearly stated intention of the members of the convention that the power of the House should not extend to this question. It was looked upon as a dangerous power with which to invest the National Legislature. In support of this contention the action of the English Parliament in substituting septennial for triennial elections was cited by numerous delegates. Frequent elections were regarded as of such essential importance to the preservation of liberty that the convention made it clear, both by word and act, that the Constitution itself should deal with and regulate this great question.

#### THE RULE—HOW DID WE GET IT AND WHY SHOULD WE KEEP IT?

I ask you in all candor, if we were making the rule to-day would we do this? Would we provide for an election between the two sessions of a Congress? I can not bring myself to so believe. To say it makes no difference when the declared decision registered by the people shall be given the force and effect of law is the same as if one should say that the people are not serious in the consideration they give to public questions.

I quote from the speech of Mr. GARRETT of Tennessee.

Discussing the submission of proposed amendments to the people, he says:

I do not fear them.

He says, further, on this subject:

The more I read of the history of my country the more I am convinced that popular government among a people of our blood and race is the nearest approach to ideal government in its safety, its perpetuity, its beneficences which the mind of man has yet conceived.

Gentlemen, the present rule, resulting more from accident or circumstance than from deliberate intention, subverts the very principle of popular government. It nullifies in a very great degree the principle of the rule of the majority.

The very spirit of the fundamental law is based on the popular will, but the present rule subverts it. Lincoln employed a definition of that great fundamental idea in an expression as immortal as history:

A Government of the people, by the people, and for the people.

Are they not devoted to its preservation? Aye, have they not preserved it in every crisis? "I do not fear them"; they can be safely trusted in any and every great emergency. They will not abuse their great power; they are patient under the self-imposed restraint in their own organic law.

They may safely be trusted to declare in the election the policies of government they favor, and they are absolutely entitled to have those declarations crystallized into law at the earliest practicable date.

The amendment is in the interest of better government. It will secure a more prompt response in legislation to the popular will. It will make of the Government more nearly a government of the people, for in the very fullest articulation of their will is found the greatest security for liberty and the surest guaranty for consecutive progress.

No; there is no reason to distrust the people.

Let us suppose the utterly improbable and entirely impossible situation that the Democrats had carried the last election—on the issue of the tariff. Would anyone expect the Republican majority in this House to at once turn about and adopt the Democratic theory of government? Certainly not.

I do not assert that defeated Members are at all derelict in the performance of their legislative duties. Indeed, I think this charge which we sometimes hear is not well founded. I see here in this Hall from day to day Members whose terms expire on March 4, who are sitting on committees regularly. They are here giving strict attention to pending legislation, and whether they are representing the views upon which they were elected is not a question.

My contention is, they should not be here a single day after being defeated at all. But their successors-elect should be here. If there is any reason in the world that a party should be allowed to function for three months after it has been denied a vote of confidence, why is it not equally as good for a year or two years? Why do we hold elections—if not to settle issues?

Why do we discuss policies, for that is what we do. We do not discuss men, and if the issue is to determine a certain line of policy, why differences of opinion as to the date upon which the order shall be effective?

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. WHITE of Kansas. I will yield for a short question.

Mr. TAYLOR of Colorado. I would like to inquire what the prospect is of the so-called Norris resolution being reported by the Rules Committee and considered at this session of Congress?

Mr. WHITE of Kansas. I am very glad the gentleman has asked me that question. I hope to see a favorable rule for immediate consideration granted by the Committee on Rules. Briefly, I want to say to the gentlemen of this committee that the Norris resolution, practically in its present form, passed the Senate in the last Congress. Other men have cause for discouragement, I will say to the gentleman from Texas [Mr. SUMNERS] besides the honorable gentleman from Texas. It passed the Senate again in the first session of the present Congress. It was introduced early in that session in the House and went to the House Committee on the Election of President and Vice President and Representatives in Congress, and was recommended for passage. I appeared before the Rules Committee and argued for it to the best of my ability, but on account of press of business, I opine, it was not reported out. I have appeared before the Rules Committee, I will say to the gentleman from Colorado [Mr. TAYLOR] during the present session, and I have a kind of feeling, a sort of intuitive consciousness, that practically every member of the Committee on Rules is favorable to the resolution.

Mr. TAYLOR of Colorado. The gentleman says he has a kind of intuitive consciousness. I have a premonition that amounts almost to a "hunch" that the committee is not going to report it out, and it does seem to me that the sentiment of this House is overwhelmingly in favor of it, and I think most of us would like to vote on it if the gentleman will get it out.

Mr. WHITE of Kansas. Taking it that a "hunch" means a conviction, I am glad to hear the gentleman's announcement, and I hope that his estimate of support for the measure is correct. I do not know how much opposition it may arouse, but, gentlemen, briefly, and in closing my remarks, whose Constitution is this? Whose Government is this? Is it not the people's Constitution? Did they not ordain it? Is it not the people's Government? Did they not found it and cement it with their blood? Are we afraid to trust the people? I quote the language of the distinguished gentleman from Tennessee [Mr. GARRETT], "I do not fear to trust them." I believe it was in the minds of the founders of this Government, who laid



as its deep foundation stone the popular will that our civilization should not suffer any decadence. Is it possible that our people, 135 years ago, supposed to be eminently and particularly qualified for self-government, should be less so as the years roll onward? No; gentlemen, I say to you that our Government, founded upon the popular will, is repudiated, is contradicted under a rule that was more the result of accident and circumstances than it was of design on the part of the framers of the Constitution, because, as I have said to you, the day was not set in the Constitution, but resulted from accident and circumstances of which I have told you.

Now, gentlemen, I do not know what opposition could be urged against this provision of the resolution. Gentlemen talk about "lame ducks." I am not going to discuss "lame ducks." I am not going to indict any Member of the Congress. I believe men come here and render faithful service to the last day of their term. My proposition is they have no business here a single day after the people have repudiated their course. [Applause.] I say, gentlemen, that the people may be safely trusted.

Why does any gentleman say that after they have delivered their vote, after they have spoken their mandate, the policies they have indorsed should not be put into operation for 12 or 13 months after it has been given? Is there any reason? There is no reason in conformity with our idea of free, popular government.

I have heard it suggested, gentlemen, that after the heat that is generated in a great political contest there might be danger of radical legislation. Well, I have this to say to you: That the leaders of any party who have had responsibility conferred upon them and hesitate for a single moment to put into actual operation and to enact into legislation the mandates of the people are unworthy and incompetent to discharge such responsibility and should be scourged from the temple of the public confidence. [Applause.]

Mr. SUMNERS of Texas. Will the gentleman yield before concluding? I understand the gentleman's position and the purpose of his resolution to be, first, to prevent the possibility of a hiatus in the office of Chief Executive. That is the first proposition.

Mr. WHITE of Kansas. That is right. That is the purpose of the third section of the resolution.

Mr. SUMNERS of Texas. And second, to make it possible that the elected agents of the people shall begin to function for the people.

Mr. WHITE of Kansas. The gentleman is right; and that the new Congress instead of the old shall count the electoral vote and shall elect the President in a case where the election is thrown into the House.

Mr. SUMNERS of Texas. And the gentleman's view is that it is an absurdity in a popular government to have representatives who have been defeated function for the people?

Mr. WHITE of Kansas. Absolutely. I should have included that in my remarks and have it included in my notes, and it will so appear in the Record; and I am sure the great respect that I know the gentleman has for me, which I appreciate more than I can express in words, will incline him to examine my statements as they shall appear in the Record.

I thank the committee. [Applause.]

Mr. DICKINSON. Mr. Chairman, I yield five minutes to the gentleman from Montana [Mr. LEAVITT]. [Applause.]

Mr. LEAVITT. Mr. Chairman and gentlemen of the House, for two reasons it seems to me particularly fitting that a matter I shall now present to the House should be presented at this time; first, we have just listened to a discussion by the gentleman from Kansas of a proposed constitutional amendment; and second, this is the birthday anniversary of Abraham Lincoln.

During the last summer and fall there was presented under the heading of "a new declaration of independence" a statement and a platform by their leader to the progressive conference at Cleveland on the 4th of July. In that statement there is a paragraph beginning thus:

The usurpation in recent years by the Federal courts of the power to nullify laws duly enacted by the legislative branch of the Government is a plain violation of the Constitution.

But let me call your particular attention, gentlemen, to what purports to be a supporting quotation from Abraham Lincoln immediately following, and which I contend is not properly given. And because it was not fully and properly given it tended to mislead great numbers of the American people and to lay the possible foundation for a fundamental amendment of the Constitution of the United States, one which

would be dangerous to the balance of our powers of Government, and therefore to the liberties of our people.

This campaign pamphlet seems to quote Lincoln by saying:

Abraham Lincoln, in his first inaugural address said:

"The candid citizen must confess that if the policy of the Government, upon vital questions affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court, the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal."

The remainder of the paragraph has to do with the proposal that there may be referred back to this Congress acts that have passed it and been declared unconstitutional by the Supreme Court, and which Congress wishes to again bring before it with what this pamphlet calls "the right to override such judicial veto."

Now, it is unfair to say that Abraham Lincoln said just what is given here. It is unfair because Lincoln occupies an exalted status and a supreme place of confidence in the minds of the American people as an authority on our institutions of government and as one our people follow almost without question. Therefore, to quote him with an important clause left completely out in the middle of a sentence is wrong. Here is what Abraham Lincoln said in full, and I wish to call your attention to it all, so that you will note such an omission. It is in his first inaugural address:

At the same time the candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court the instant they are made, in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

Gentlemen of the House, there is nothing in this campaign document of the so-called Progressive Party to indicate that one word has been left out of that quotation from Abraham Lincoln. There are in it none of the usual marks, such as asterisks, to show that anything whatever has been omitted. The clause is omitted and the gap closed without a sign.

I do not wish to discuss the issue, but I do wish in closing to call attention to what Lincoln did say in discussing the uses and necessary force of judicial decisions. In his Springfield speech of June 26, 1858, he made a distinct reference to that particular question in these words:

Judicial decisions have two uses—first, to absolutely determine the case decided; and, secondly, to indicate to the public how other similar cases will be decided when they arise. For the latter use they are called "precedents" and "authorities." We believe as much as Judge Douglas (perhaps more) in obedience to and respect for the judicial department of government. We think its decisions on constitutional questions, when fully settled, should control not only the particular cases decided but the general policy of the country, subject to being disturbed only by amendments of the Constitution, as provided in that instrument itself. More than this would be revolution.

[Applause.]

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. BLANTON].

Mr. DICKINSON of Iowa. I yield two minutes to the gentleman from Texas.

The CHAIRMAN. The gentleman from Texas is recognized for four minutes.

Mr. BLANTON. Mr. Chairman, anent the debate against our Capitol guides it is very fortunate, indeed, that we now have in the gallery a large aggregation of our brave ex-service men from the Walter Reed Hospital. [Applause.] They are in charge of a splendid young woman aid from Walter Reed Hospital, and they are also in charge of one of these "awful" Capitol guides.

Mr. TAYLOR of Colorado. Nobody has said anything about "awful" Capitol guides.

Mr. BLANTON. Well, that is a rumor I have heard about the Capitol. I went to my friend, the gentleman from Iowa, and offered to bet him 100 to 1 that that Capitol guide was not charging them 1 cent for the guide service that was being rendered. Of course, he would not bet, because he is not a gambling man, and neither am I. I then got the Doorkeeper, Mr. Bert Kennedy, to go up with me and ask the boys if they were being charged, and they said no, the service was gratuitous. Then I went to that splendid young woman who has charge of them, and I asked her if such service was being

charged for, and she said no, that their aids bring a bunch of young men here regularly from Walter Reed Hospital to the Capitol and that this splendid guide service shows them all through the Capitol and does not charge them one cent.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TAYLOR of Colorado. Who, in the name of God, would charge hospital patients to see this Capitol?

Mr. BLANTON. I was afraid from the rumors that I have heard floating about the Capitol lately that some believed they would even charge a dead man. Mr. Chairman, our friend from Colorado [Mr. TAYLOR] is one of the most lovable men we have on the floor, able, efficient, and when he is in good health he is one of the most active men in Congress, but he has gotten off wrong on this proposition. I investigated this matter about two years ago. I was afraid people were not being treated rightly, and I went to crowds of people when they would get through with their service and ask whether they had gotten value for the money they had paid these men. The reply was always yes; that they were more than pleased.

I have looked into it carefully. I found that these men are not making any fortunes. Most of them are men of families, having a wife and children to support, and here is what the testimony shows they have received for the last three years; and I take these figures from the committee report: In 1924, last year, the guides received \$2,597.80 each; in 1923 they received \$2,359.05 each; and in 1922 they received \$2,023.75 each. There is hardly a man on earth with a family who can live in Washington on less than that and dress respectably in the way they are required to maintain themselves every day.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. From the gentleman's investigation did he find whether or not some other man not conducting the business of a guide was receiving a certain percentage or a rake-off on these tips?

Mr. BLANTON. No; but let me tell you something else. When these rubberneck wagons bring crowds here these guides do not get 25 cents each from the visitors. They are paid only 15 cents each per person.

Mr. TAYLOR of Colorado. That is what I said.

Mr. BLANTON. And bunch after bunch of little school children come here daily, and not a guide charges them a single cent.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In just a minute. More than a dozen years ago I came here to Washington with a bunch of Texas people, and one of these guides showed us over the Capitol, and I had my eyes open. I looked down on you fellows here in the House, and I saw lots of vacant seats here, and I concluded that the United States needed me here to help you boys. [Applause.] Why, that was the start of my coming to Congress. One of these guides put me up here in the gallery and let me look down on you fellows, and that was the best 25 cents I ever spent in my life.

Mr. TAYLOR of Colorado. Mr. Chairman, a parliamentary inquiry. How much time has the gentleman?

The CHAIRMAN. Six minutes, and he has about half a minute left.

Mr. TAYLOR of Colorado. Where did he get the six minutes?

The CHAIRMAN. The gentleman from Iowa [Mr. DICKINSON] yielded him four minutes.

Mr. TAYLOR of Colorado. Do you not know that during the war the Sergeant at Arms made a regulation that no guide could charge any soldier for going through the Capitol, and that that order is still in effect?

Mr. BLANTON. I have been informed by these guides long before the gentleman from Colorado took it up that they never charged a man in uniform, and did not even before that order was put into effect. This is the best guide service that we have anywhere in the Nation. It now costs the taxpayers absolutely nothing. Let us hold on to it. Let those who dance pay for the fiddler. Let the tourists pay this little 25-cent tip to guides, if they want one.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. BRAND].

Mr. BRAND of Georgia. Mr. Chairman, on January 14, when the McFadden banking bill was being considered in the

Committee of the Whole, I submitted an amendment thereto, in words and figures as follows:

(d) Whoever maliciously or with intent to deceive makes, publishes, utters, repeats, or circulates any false report concerning any national banking association, which imputes or tends to impute insolvency or unsound financial condition or financial embarrassment, or which may tend to cause or provoke or aid in causing or provoking a general withdrawal of deposits from such bank, or which may otherwise injure or tend to injure the business or good will of such bank, shall be fined not more than \$5,000, or imprisoned for not more than five years, or both.

This amendment was introduced as a new paragraph after section 17 of the bill had been stricken out. A general fight was made upon section 17 upon the ground that this section was creating penal offenses which had already been made criminal by acts of the general assemblies of the various States of the Union. The opposition was participated in by Members of both sides of the aisle, the main assault upon the section being made by the gentleman from Arkansas [Mr. WINGO], the ranking member of the Banking and Currency Committee. His argument unloosed an avalanche against this section which swept everything before it, ending in an agreement on the part of the gentleman from Pennsylvania [Mr. McFADDEN], chairman of the Banking and Currency Committee, not to insist upon this section being enacted into law. The argument made by the distinguished ranking member of the committee not only brought about the elimination of section 17, but likewise was the cause of the defeat of the amendment I thereafter introduced. The chairman of the Banking and Currency Committee accepted my amendment and agreed that the same, so far as he was concerned, should become a part of his bill. I think the amendment met with the approval of the ranking member and other members of the minority committee, and yet on account of the strong speech against section 17 made by the gentleman from Arkansas nothing could stem the tide of opposition which he created.

I have asked for the time allotted to me to correct some of the statements which were made by a few Members of the House to the effect that the States of the Union had already enacted similar laws, and if the proposed legislation set forth in the amendment which I submitted was passed it would put it in the power of the Federal courts, as well as the State courts, to punish a man twice for the same offense. It was asserted when this amendment was up for consideration by the gentleman from Georgia, my friend Judge LARSEN, that it was an every-day occurrence for one to be indicted and convicted in the State courts of Georgia for an offense and thereafter indicted and convicted in the Federal courts for the same offense. Judge LARSEN must have had in mind misdemeanor liquor cases, such as blind tigering, bootlegging, having whisky in one's possession, because so far as my knowledge goes no person charged with a felony has ever been indicted and convicted for the same offense and upon the same state of facts in both the State and Federal courts of the State of Georgia.

Even the gentleman from Texas, my friend Mr. CONNALLY, if not expressly, by implication inferred in somewhat a menacing and violent manner that I was in favor of punishing a man twice for the same offense. The gentleman from Texas asked the question, "Why punish a man twice for the same offense?" I never heard of anybody, living or dead, who was so cold-blooded as to want to see any man convicted twice for the same offense and upon the same state of facts. His constituents are personally safe from libelous talk in regard to banks, because his State has no law punishing persons for issuing derogatory statements affecting banks. It certainly has no such law as the one which was under discussion, nor any law similar to the draft prepared by the American Bankers' Association, nor any other law upon the subject so far as I can find.

My amendment being defeated on account of this species of sophistry, I decided to investigate as far as I could the character of the laws which the States have passed upon this subject, if any. Inasmuch as this question may again come before the House for consideration either at this session or the next session of Congress, I want to put in the Record the result of my hurried investigation.

In 1907 the general counsel of the American Bankers' Association proposed a draft of an act to meet the evil of bank slander, to which banks are peculiarly subject.

An act to punish derogatory statements affecting banks or trust companies

Be it enacted, etc., Any person who shall willfully and maliciously make, circulate, or transmit to another or others any statement,



rumor, or suggestion, written, printed, or by word of mouth, which is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of any bank, savings bank, banking institution, or trust company doing business in this State, or who shall counsel, aid, procure, or induce another to start, transmit, or circulate any such statement or rumor, shall be guilty of a felony or misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$5,000 or by imprisonment for a term of not more than five years, or both.

The following are the States having recommended the law proposed by the American Bankers' Association:

Michigan and North Carolina.

The following are the States which have recommended the draft of this law in modified form:

Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Kentucky, Maryland, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

The following are the States which have a different law from the proposed draft:

Colorado, Georgia, Kansas, Louisiana, Nevada, Oklahoma, and South Carolina.

The following are the States which have no law similar to said draft:

District of Columbia, Iowa, Maine, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, North Dakota, South Dakota, Tennessee, Texas, Vermont, and Virginia.

Not a single State in the Union, so far as I can find, has enacted any law similar to the one which my amendment proposes.

According to information furnished me by the legislative reference service of the Library of Congress, the following States have similar laws to the proposed draft:

Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Missouri, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Washington, West Virginia, Wisconsin, and Wyoming.

From such information it appears that the following States have no law at all upon the subject:

Iowa, Maine, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, and Virginia.

The laws of the following-named States contain the element "with intent to deceive" which my proposed amendment embraces:

Illinois, Kansas, Missouri, New Mexico, Ohio, Pennsylvania, and West Virginia.

The amendment which I have proposed differentiates it from all the State statutes upon this subject in the following respects:

Not a single State has a statute similar in material language to the one contained in this amendment.

Not a single State which has a statute upon this subject applies particularly to member banks of the Federal reserve system.

In practically all the States which have laws upon this subject the crime is denominated a misdemeanor, whereas the offense, which one is guilty of by commission of the acts set forth in this amendment, is a felony.

The general definition of a felony is any public offense on conviction of which the offender is liable to be sentenced to death or to imprisonment in a penitentiary or State prison.

The penalty provided by most of the acts referred to is punishment by the imposition of small or moderate sentences, denominated a misdemeanor, while the penalty in the proposed amendment provides for more severe punishment, amounting to a felony.

The principal difference between the law which I propose, as set forth in my amendment, and the statutes of the various States is the provision in my amendment that a State must prove in order to secure conviction, if words uttered are not maliciously uttered, that they were made and circulated "with intent to deceive." This is one of the distinctions which discriminates the language of my amendment from the language of the various State statutes.

There are only five States whose laws upon the subject have the element "with intent to deceive" therein, namely, Illinois, Kansas, Missouri, New Mexico, and Ohio, though the element "with intent to injure" is embraced in the statutes upon the subject of the States of Oklahoma, Pennsylvania, West Virginia, and Arkansas.

I conclude these observations as I began, with the statement that no State in the Union has enacted a law similar to the one proposed by the amendment submitted by me, none applying to the same banks similar to this, and none having the same elements of crime. Therefore no citizen is liable to be indicted or convicted twice for the same offense upon the same state of facts.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from West Virginia [Mr. ALLEN].

Mr. ALLEN. Mr. Chairman, I should like to call the attention of the gentlemen of the House to a remarkable record of public service. I have the honor to have as one of my constituents the first rural mail carrier of the United States, Mr. H. C. Gibson, of Charles Town, W. Va. Mr. Gibson was named as rural carrier in 1896, by Postmaster General William L. Wilson. Mr. Wilson was also a West Virginian, one of the ablest men who ever served in this House, and it was under his administration as Postmaster General that the Rural Delivery Service was first started in this country.

Mr. Gibson, the first rural carrier, has a record that is unique from the point of service, in that he served 21 years as a carrier in Jefferson County, W. Va., and during that time he never missed one day's travel over his route. Such a record of continued and loyal service is indeed commendable and deserving of recognition. This man has spent the better part of his life in public service, without material advancement, for he served part of the time at the salary of \$8 per month.

It was stated here on the floor of the House a short time ago that no family in the United States could exist on \$2,000 a year. I wonder how Mr. Gibson got along with his family on \$8 a month?

Mr. BLANTON. He was not in Washington.

Mr. ALLEN. Mr. Gibson has recently suffered an accident which crippled him, and he is no longer able to do heavy work. I have asked the Post Office Department to grant recognition of his services by placing him on their retirement list, but Secretary New advises me that under existing regulations he finds it impossible to do this. I am therefore introducing a private bill for Mr. Gibson, in order that he may receive some slight recognition for his remarkable service.

Mr. Gibson continued this work as rural carrier until some time about the year 1918. Living expenses grew so great that he could not afford to keep this system up. Therefore, he had to resign from the service and seek other employment. Since that time Mr. Gibson has met with a misfortune, an accident. As I stated, I would like to see him placed on the retired list in order that he might have some recognition for the great service that he did during this long period of time. He was often appealed to for suggestions in the work, and he was a very able employee and of much use to the Government in installing this new system. Much good has come from his service as the pioneer rural mail carrier of the United States. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield six minutes to the gentleman from Georgia [Mr. UPSHAW]. [Applause.]

Mr. UPSHAW. Mr. Chairman, two years ago to-day the majority leader, Mr. Mondell, generously and unexpectedly called upon me to say a few impromptu words about Abraham Lincoln. I asked to-day for the privilege of saying something on Lincoln's birthday, which I believe that great-hearted American would heartily approve. It is a beautiful story of a beautiful deed following the celebration of the last National Memorial Day at Gettysburg where I had the honor—which I counted a very high honor being the son of a Confederate soldier—to be invited to deliver the address near the spot where Abraham Lincoln delivered the immortal address which we heard read by the gentleman from Ohio [Mr. MOORE] in the House to-day. In that address I turned to the battle-scarred veterans in blue who sat on the platform with me and said: "My fathers in blue, let us do something to-day that will mean more than the usual memorial service." If William Howard Taft was right when he set apart a parcel of ground in Arlington to receive the ashes of the Confederate dead; if Theodore Roosevelt was right when, in his great-hearted loyalty to loyalty itself, he had carved the Confederate rank of "Fighting Joe" Wheeler upon his gravestone in Arlington; if Warren G. Harding was right when he said at the dedication of Lincoln's Memorial: "There were ambiguities in the Constitution that could only be wiped out by a baptism of blood"; if Calvin Coolidge was right when, as the President of the Nation, he paid tribute last Sunday, as I heard him, to the Confederate dead at Arlington and declared, "They were all Americans on both sides, fighting for what they believed were their right," then I declared to them, "There was something wrong and out of joint, somehow, in the fact that the

President of the United States paid that beautiful tribute on an improvised shack of planks and boards while the Arlington Amphitheater was empty only a few steps away—empty, built, I remind you, my fathers in blue, not out of northern money to commemorate northern valor, but out of American money to commemorate American valor. It would be a beautiful thing," I said to them, "for you, in the Grand Army Post here at Gettysburg where the brave Confederacy began to totter to its fall, to make the request of the President of the United States that an Executive order be issued that shall cause all memorial services at Arlington hereafter to be held in the Amphitheater owned by all the people of America."

They received that declaration with generous applause, and at the very next meeting they passed beautiful ringing resolutions requesting that this be done, declaring that inasmuch as those Confederate heroes who lie in Arlington, honored for their loyalty to their concept of the Constitution, honored also for furnishing sons loyal to the flag of our reunited country in two great wars, and inasmuch as the spirit of fellowship is vibrant everywhere between the North and South, that it would be in consonance with the spirit of genuine American fellowship hereafter to have all memorial services at Arlington held in the amphitheater that is the property of all Americans. Those resolutions will be presented in due form to the President of the United States. Legislation, of course, is not necessary; and the President, in issuing this order or simply granting this proper patriotic permission, will be acting in happy and inspiring consonance with the recent action of Congress in ordering that the Secretary of War be directed to restore Arlington, the residence of Robert E. Lee, as nearly as possible in every detail as it was when occupied by that almost incomparable general and stainless Christian patriot whose marvelous character and genius are the proud heritage of the whole Nation. The President would thus be adding, too, to that shining pyramid of national fellowship typified by the passage, without a dissenting vote, of the bill directing the Treasury issuance of the Stone Mountain memorial coins, whose deathless message of southern heroism will ever be not only a national inspiration but an inspiration to the whole world.

It is all the more striking and beautiful to contemplate that the bills to restore Arlington and also to make the Stone Mountain memorial coinage were both introduced by sons of those who wore the blue. Thank God for all these cumulative evidences of the growing fellowship between the once sundered sections of our reunited country? [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. UPSHAW. Excuse me. I thought I had seven minutes. The CHAIRMAN. The Chair let the gentleman run over about a minute.

Mr. UPSHAW. I thank the Chair for his consideration, and it is in accordance with the spirit of Lincoln's birthday.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the gentleman from Oklahoma [Mr. HOWARD] five minutes.

Mr. HOWARD of Oklahoma. Mr. Chairman and gentlemen of the committee, we have heard much in the last few months concerning the matter of economy. From out of the White House the word has gone forth that in governmental affairs there must be economy. I want as a Representative in the Congress to indorse all ideas of economy and to suggest that if there is not very soon more economy applied not only to the Federal but the State, county, and municipal governments that the people of this Nation will bend their backs under tax burdens which they can not long stand. Why, Mr. Chairman, the people of this country were enthused when a short time ago there came word from the White House that the great President of the United States had refused to ride in a private Pullman car, as has been done by other Presidents, but for the sake of economy that he would henceforth ride in a regular car along with the common folk. The people indorsed that idea. To-day, Mr. Chairman, we find that the President has become more economical in his means of transportation. In the press of yesterday and to-day we are informed that he is now riding a wooden horse, and I shall not be surprised that soon it will be heralded to the people of the United States that the President is riding this wooden horse for the purpose of cutting down the oat bill at the White House stables. And I have an idea, Mr. Chairman, that when in the future any program for the benefit of the livestock producers is referred to, that the farmers will be advised to produce wooden horses, and that some one will say with the Washington Post of this morning—

That the best thing about him, there is nothing to pay,  
For Cal has a pony that does not eat hay.

Mr. Chairman, I should not be surprised to hear that the next great stroke of economy will be the placing of oars on the Mayflower.

But, Mr. Chairman, I rose to talk of economy and to make the suggestion that we have an opportunity to-day in the House of Representatives to start a little economy of our own. I want to call the attention of the committee to pages 11, 12, and 13 of the bill under consideration, and I want to say, while referring to it, that I know at the present time that the committee which brought in this report can do nothing else but make the appropriations, because the salaries I refer to are provided for under the law. But I want to call the attention of the committee to the fact that while they are practicing economy in the other departments, there is a place where, in my opinion, at least half of an appropriation of \$241,850 can be saved to the people who pay the taxes of this country by cutting off the roll those janitors and clerks to committees of this House during a period when they can render no service.

This Congress is going to adjourn on the 4th of March, and the probabilities are that it will not meet again for nine months. During those nine months what service will these janitors and clerks and assistant clerks render to the people of this Nation? Why are these salaries provided for these janitors and committee clerks when there are no committees in existence during the nine months when Congress is not in session? What duties will the clerk to the Committee on the Disposition of Useless Executive Papers, for example, have to perform during that time?

I thought yesterday that we had elected a President of the United States, and yet I find that a clerk for the committee will, with the clerks of most of the other committees of the House, be loafing around Washington doing nothing for nine months at the expense of the people of the United States. It was my experience to occupy an office for nine months during the recess of Congress, where the committee was out of existence, and where the chairman had been defeated for Congress, and yet a janitor and clerk of that committee drew salaries for nine months, when there was not a possibility of any service that they could render. I was a member of a committee of the Sixty-sixth Congress that never had but one meeting, but it had a clerk who drew \$1,800 per year for the two years.

I suggest for the information and profit of the committee that this list should, in the interest of economy, if you really want economy, be revised, so that these surplus clerks and janitors who are on the pay roll will not be employed when they are not needed. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, how much time have I?

The CHAIRMAN. Three and one-half minutes.

Mr. TAYLOR of Colorado. I will waive that.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield two and a half minutes to the gentleman from Massachusetts [Mr. DALLINGER].

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. DALLINGER. Mr. Chairman, I wish to call the attention of the committee, and through the members of the committee the House, to the bill H. R. 9493, relative to proceedings in cases of contested elections of Members of the House of Representatives, a bill introduced by me and unanimously reported by the Committee on Elections No. 1 in the present Congress, a similar bill having been unanimously reported by the same committee in the last Congress. It provides as follows:

A bill (H. R. 9493) to determine proceedings in contested elections of Members of the House of Representatives

Be it enacted, etc., That whenever any person intends to contest an election of any Member of the House of Representatives of the United States he shall, within 30 days after the result of such election shall have been determined by the officer or board of canvassers authorized by law to determine the same, make application to the Court of Appeals of the District of Columbia to determine the question of his right to such seat pending the final decision of the contest by the House of Representatives, and said court shall, in conformity with the provisions of this act, determine such question.

SEC. 2. That the contestant shall make the application set forth in the preceding section by filing in the office of the clerk of said court a petition praying the court to determine the question as set forth in section 1 of this act, and specifying particularly the grounds upon which he relies in the contest, and shall within the time specified in section 1 forward by registered mail to the Member whose seat he intends to contest a copy of said petition, and within 25 days after



having forwarded the copy of the petition shall file with the clerk of said court proof of having done so. He shall also, within such time, forward a copy of said petition by registered mail to the Clerk of the House of Representatives.

SEC. 3. That any returned Member upon whom a copy of the petition mentioned in the preceding section may be served shall, within 30 days after the service thereof, file in the office of the clerk of said court an answer, admitting or denying the facts alleged therein and stating specifically any other grounds upon which he rests the validity of his election; and shall serve a copy of his answer upon the contestant, and within 25 days after having forwarded the copy of the answer shall file with the clerk of said court proof of having done so, and shall forward a copy of said answer by registered mail to the Clerk of the House of Representatives.

SEC. 4. That the proceedings thereafter with reference to the taking of testimony and in all other respects shall be in conformity with the rules and regulations established by the Court of Appeals of the District of Columbia as hereinafter provided.

SEC. 5. That within 90 days of the passage of this act the Court of Appeals of the District of Columbia shall prepare and establish such rules and regulations with reference to the taking of testimony, the issuance and service of notice to take depositions, the issuance and service of subpoenas, the production of papers, and all other matters as may seem to said court to be necessary and proper for the expeditious determination of contested-election cases, and shall forthwith forward a copy of the same to the Clerk of the House of Representatives, who shall cause said rules to be printed. Said rules and regulations shall have the force of law, and the fees of witnesses, and the penalties for failure to attend and testify, and for refusal to produce papers shall be the same as provided by the Revised Statutes of the United States in civil cases tried in the district courts of the United States. The compensation of persons appointed by the court to take testimony shall be paid by the United States marshal of the District of Columbia on the certificate of the Chief Justice of the Court of Appeals of said District or in his absence of the Senior Associate Justice. The Clerk of the House of Representatives shall immediately upon receiving copies of the petition and answer in any contested-election case, as provided in section 1 of this act, forward by registered mail to the contestant and contestee in said case copies of the rules established by the Court of Appeals of the District of Columbia.

SEC. 6. That the court shall advance the application herein provided for upon its docket for speedy hearing and it shall, if necessary, hold a special term to consider the same, and it shall, without unnecessary delay, make and submit its findings of fact and conclusions of law before the first assembling of the Congress to which the contest relates or as expeditiously thereafter as possible and shall immediately transmit to the Clerk of the House of Representatives a certified copy of the same, together with an abstract of the testimony in the case in narrative form, which findings and conclusions shall be advisory only.

SEC. 7. That the findings of the court in any case shall not be subject to appeal or judicial review, but nothing herein contained shall be construed as intended to restrict or in any way impair the right of the House to judge of the elections, returns, and qualifications of its Members, nor shall it in any way affect any contests pending at the time of the passage of this act, but all such contests shall proceed in all respects in conformity with the laws in force at the time of the filing of the notice of contest therein.

SEC. 8. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

#### DEFECTS OF THE PRESENT SYSTEM

Mr. Chairman, under the present system, while the Constitution of the United States makes each House of Congress the judge of the elections, returns, and qualifications of its own Members, and while the House of Representatives must ultimately decide all cases of contested elections, nevertheless it is evident that the House can not act upon these cases before its organization. The question of who are *prima facie* Members authorized to organize the House and appoint the committees which shall consider contested-election cases is now determined by State officials, who are almost invariably political officers and are, therefore, peculiarly subject to partisan influence. These officials, who have the power to throw out votes which may have been legally cast and who may, therefore, determine the question of who is *prima facie* entitled to a seat, and thus ultimately decide the organization of the House itself, usually have no special qualifications to decide judicial questions. Where there is no controversy in regard to the election, which is the case in the very large majority of instances, it is perfectly proper that the candidate elected on the face of the returns as found by these State officials should be entitled to participate in the organization of the House. On the other hand, where there is a difference of opinion and the defeated candidate has grounds for contesting the election it must be evident to all fair-minded persons that the decision of this question in

the first instance by a judicial tribunal would be a distinct advantage over the present system, which is always liable to abuse.

#### THE DANGER OF PARTISAN DECISIONS BY THE HOUSE

But not only does the opportunity exist to thwart the will of the people previous to the organization of the House of Representatives, but the same opportunity also exists after the House is organized. In years gone by it is a fact that contested-election cases in the House of Representatives were as a rule decided on purely partisan grounds, regardless of the merits of the case. The Committee on Elections, which considered and reported on a contested-election case, usually divided on strictly partisan lines—all the members of the party in power joining in a majority report and all the members of the minority party signing a minority report. In recent Congresses, however, there has been a decided change for the better, and the election committees have as a rule considered all contested-election cases referred to them strictly upon their merits and have decided them judicially upon the law and the facts, most of the reports having been unanimous or practically so. But in spite of this fair and impartial attitude of the committees, when these reports have been considered on the floor of the House partisan feeling has almost invariably manifested itself and political considerations and considerations of personal friendship have to a large extent influenced the action of the individual Members of the House. Moreover, when any party has a slight majority of the Members elect there will always be the temptation to decide election contests in favor of its own partisans in order to increase its majority in the House.

#### UNNECESSARY DELAY UNDER THE PRESENT SYSTEM

Another consideration in these contested-election cases is the element of time. Under the existing provisions of law, if a case is hotly contested by the parties and both the contestant and the contestee take all the time in the preparation of their cases that the law allows, the contest can not be referred by the Speaker to one of the Election Committees until more than a year after the election has taken place. Then after reference, if the committee gives to the voluminous report in the case the serious consideration which fairness and justness require, it may well be a year and a half after the election before the case can be considered by the House. If in addition the committee has several contests referred to it, it may be near the close of the Congress before a case can be considered. Because of the numerous contests the House of Representatives many years ago by its rules created three Committees on Elections, but in spite of this it frequently happens that one or more of the committees can not secure consideration of the last of its reports until the Congress is about to expire and until after another election has been held. In the meantime, in case the House finally votes to unseat the sitting Member, the latter, having a certificate from the governor of his State, and having been duly sworn in at the convening of the Congress, through the greater part of the life of the Congress has performed the duties of a Congressman from the district and has received the congressional salary and mileage; while on the other hand the contestant whom the House finally decides to have been legally elected to the office and is entitled to its perquisites, also receives the mileage and salary for the whole two years. In other words, two persons have received mileage and salary practically for the whole two years' term. In the Sixty-fifth Congress, for instance, there was a case where in a Democratic House a Democratic Member was unseated and his Republican contestant given the seat on the very last day of the last session of Congress. This condition of affairs has given rise to much adverse criticism throughout the country and ought to be remedied.

#### ENCOURAGEMENT OF FRIVOLOUS CONTESTS

Finally, the present system, where the issuance of a *prima facie* certificate as well as the final determination of the election is entirely in the hands of political partisans, who are always subject to the temptation to use their power for partisan advantage, tends to encourage contests where there is no real ground for the same. If every prospective contestant knew that his case would be decided in the first instance by a judicial tribunal, many of the contests would never be brought.

#### PURPOSE AND ADVANTAGES OF THE PROPOSED LEGISLATION

All of the disadvantages of the present system would be removed by the passage of the proposed bill. The determination of all contested-election cases in the first instance by the Court of Appeals of the District of Columbia, as provided in the bill, will secure the organization of the House of Representatives in strict accordance with the laws governing elections in the various States.

In the second place, the passage of the bill will expedite decisions of these important cases so that the House of Representatives will have before it at the time of the convening of the new Congress the finding of the Court of Appeals of the District of Columbia on each contest, together with an abstract of the testimony in the case in narrative form, which will be ready for review by the Committee on Elections and by the House itself, thus doing away with the present unnecessary delay and the evils resulting therefrom to which reference has already been made.

Thirdly, it will tend to diminish the number of election contests which are not based on any real merit but which are brought with the belief that the party in power will take care of its own partisans.

Finally, it will as far as possible, under the Constitution, do away with partisan and personal considerations in the decision of these cases and secure to the legal representatives of the people the exercise of the powers conferred upon them by the Constitution of the United States.

#### BRITISH EXPERIENCE

It is interesting to note that the British House of Commons for many years was confronted with the problem of a large number of election contests which took up a great deal of time in their consideration and which were usually decided on purely partisan grounds. In 1868, however, the British Parliament passed a statute conferring absolute jurisdiction of all contested election cases upon the courts. By this statute Parliament did not even reserve to the House of Commons the power to review the decision of the courts. The act, which is still in force, among other things provides as follows:

At the conclusion of the trial the judge who tried the petition shall determine whether the member whose return and election is complained of, or any of what other person was duly returned or elected, or whether the election was void, and shall forthwith certify in handwriting such determination to the Speaker, and upon such certificate being given, such determination shall be final to all intents and purposes.

This law has been in operation for over half a century and has worked so satisfactorily that no one in Great Britain would think of repealing it and going back to the old system.

#### THE PRESENT BILL IS CONSTITUTIONAL AND DESIRABLE

While under a written Constitution the House of Representatives is made the sole judge of the elections, returns, and qualifications of its own Members, and consequently while it is impossible without an amendment to the Constitution to enact a statute conferring upon any court final jurisdiction in contested-election cases, there is nothing whatever to prevent Congress from passing a law providing, as does the present bill, that all cases of contested election of Members of the House of Representatives shall be tried out in the first instance in the Court of Appeals of the District of Columbia under such rules and regulations prescribed by it as would expedite such cases. Under such a system the finding of the court, accompanied by an abstract of the relevant evidence in narrative form upon which the finding was based in every election contest could be in the hands of the Clerk of the House of Representatives at the time of the convening of each new Congress. The bill also provides that in these cases where the court has made a finding against a Member declared elected on the face of the returns, the finding of the court shall be accepted in lieu of the certificate of the governor by the Clerk of the House in making up the provisional roll of the Members elect to be sworn in. The Speaker can then on the first day of the session refer all the cases to the different Committees on Elections which in most cases will undoubtedly accept the finding of the court and report their decisions back to the House for its ratification. In this way the committees and the House will be relieved of an immense amount of work, long delays in determining the legal membership of the House will be avoided, the objectionable features of having two Members from a district drawing in some cases practically two years' salary will be done away with, and the American people will be assured that for all time election contests in the House of Representatives will be decided on their merits, free from all partisan and personal considerations. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I yield two and a half minutes to the gentleman from Nebraska [Mr. SIMMONS].

The CHAIRMAN. The gentleman from Nebraska is recognized for two and a half minutes.

Mr. SIMMONS. Mr. Chairman, during the last campaign the Republican Members of this House from the great agricultural States of the West went among our people urging them to elect Calvin Coolidge President of the United States. At the close of a campaign that was novel in many of its features,

President Coolidge received an overwhelming vote. Our western people supported him because they believed in his integrity, his ability, his high fineness of character, his truthfulness of purpose. In short, they believed in Calvin Coolidge. One of the things which he told them he would do was to appoint a commission to study the agricultural situation and report needed legislation. That commission was appointed; they have reported; their report has been transmitted to this Congress with the recommendation that legislation be passed in keeping with it. It has submitted to this Congress definite recommendations concerning legislation for cooperative marketing, tariff changes, amendments to the agricultural credits act, freight-rate legislation, and Federal aid for State experiment stations. It asks for a well-balanced agricultural program. Regarding freight legislation, it said:

By reason of the horizontal charges made in freight rates during recent years and of greater depression of agricultural products during the same period, the raw products of agriculture are now bearing a relatively excessive cost for transportation. The conference does wish to emphasize at this time its contention that while adequate service is essential the welfare of agriculture also demands an early and thorough revision of the freight-rate structure to relieve the raw products of agriculture and livestock from their disproportionate share of transportation costs.

Legislation which orders the Interstate Commerce Commission to put into effect this recommendation has already passed Congress.

In connection with the work of the Interstate Commerce Commission, the following comment of the agricultural conference is of importance:

It was the intention of the law which created the Interstate Commerce Commission to make it the duty of the commission to act not only as an arbitrator or judge between the shippers on the one hand and the railroads on the other but also as an investigator and advocate for the shipping public in general. That this latter duty was just as important in the minds of Congress as its duty to act as a court in adjusting differences between the railroads and the shipper \* \* \*. It is unfortunate that in more recent years the Interstate Commerce Commission has failed or has been unable to recognize its responsibility as an advocate of the shipper and has developed into a court.

Regarding the tariff, it states that—

the cattle industry is suffering through lack of tariff protection from competition with hides and meats from foreign countries, and that other agricultural enterprises are suffering from lack of proper tariff protection.

The one great industry of the West for which relief is needed the most is the cattle business. These men have carried the great burden of loss through the period of depression—that depression is still with them. Cattle are now selling at less than they did a year ago. The recommendation regarding freight legislation will help them and the farming sections materially.

The subject of a tariff on hides has heretofore been discussed in this Congress. The cattlemen want it—they believe it will help. The President asks it for them. If we can place the cattlemen of the West on a start toward prosperity we will have done much to relieve the situation in the Western States.

The conference asks for protection to the dairy and animal industries by a tariff, and States that it recognizes the—need of protecting our various agricultural commodities by adequate tariffs on foreign products that come into competition with them.

Other recommendations are made.

Immediately the western people began to ask—what is Congress going to do about it? Members from the agricultural States had the right to expect the program outlined by the commission would be favorably considered by this Congress. We were immediately told that Congress did not have time to consider legislation of this character. We did not ask that it have precedence over the appropriation bills. We did ask and do ask of the House leadership that it have the consideration to which its importance in the economic welfare of the Nation entitles it. But still the answer is, "We have not time."

The subject of a tariff on hides is one of considerable importance to the western cattlemen. I have investigated that situation. The Ways and Means Committee have all the facts needed. No hearings are necessary. I am told that under the rules of this House a bill specifically limited to that one item could be reported and considered without opening up the general tariff question. But we are told that the press of the



Nation's business prevents its consideration—that other legislation of greater importance must be passed.

I want, in view of that, to call the attention of the House to the situation that exists here to-day. We have spent something like an hour discussing the question as to whether or not the people of America, who visit Washington, should pay 25 cents to the guides for being shown through the Capitol. The bulletin board to-day carries the program of legislation for the coming two days. It is announced that the Committee on Rules has decided to allow this House to consider amendments to the China trade act; we are going to take up and consider a bill to sell a little railroad we have in New York to the Port of New York; we are to be allowed to take up a bill to authorize the President to take a fee of \$10 off the visé charges of people who have money enough to go to Europe this coming summer; and then we are going to take up a bill of some 12 pages, of 18 paragraphs, dealing with migratory birds.

This legislation, which the Rules Committee reports may be important; it may be that it should be passed. I am not saying that it should not be. What I am saying is that it is of far greater importance to the economic life of America that this Congress devote its time and attention to legislation favored by the President, aimed to bring a measure of prosperity to the farmers and cattlemen of the United States. [Applause.] Compare the two, and I submit in all fairness that legislation covered by the agricultural conference report is of far greater concern to the Nation than the legislative program that the House leadership proposes to follow in the program outlined.

Mr. Chairman, there can be no division of party platforms or party promises. One is as binding as another. The agricultural States have been promised needed legislation. President Coolidge asks for it. We, from those States, want to work as an integral part of the Republican organization in this House, carrying out the program of the Republican Party. If we from the agricultural sections are to support legislation desired by other sections of the United States, then their Representatives must, in all fairness, support us and the President in the passage of legislation for the benefit of the farming sections of America.

The time has come for this Congress to get into action on this matter and consider the recommendation of the agricultural conference and the President regarding agriculture. The situation in the West demands it, our President and the Republican Party pledged it, there is time to do it. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has four and a half minutes remaining.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield the balance of my time to the gentleman from Nebraska [Mr. McLAUGHLIN].

The CHAIRMAN. The gentleman from Nebraska is recognized for four and a half minutes.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman and gentlemen of the House, during the few minutes yielded me, I desire to call your attention to a decision rendered by the Interstate Commerce Commission a few days ago upholding what is known as the Pullman surcharge. Four of the members of the commission directly sustained the surcharge. One, our former colleague, Mr. Esch, concurred with these four, but stated in one sentence of his decision that the surcharge was unreasonable and in another that it should be at least reduced to 25 per cent. Three members of the commission hold that no Pullman surcharge should be collected and that none is needed, while two hold that a small surcharge might be warranted, but not a 50 per cent surcharge.

The surcharge was adopted as a war measure under McAdoo's administration of the roads, primarily for the purpose of discouraging civilian travel. It was done away with when the roads were turned back to private owners after the war and reinstated in 1920 with the consent of the Interstate Commerce Commission. Last May, after due hearings, the Senate repealed the surcharge by a unanimous vote. At the same time the Senate was considering this important matter, a subcommittee of the Interstate Commerce Commission, after careful study, unanimously recommended to the full committee that the surcharge be discontinued. All of this happened a year or more ago, and yet, notwithstanding the several requests of myself and others for a hearing before the Interstate and Foreign Commerce Committee of the House, the chairman of the committee has persistently refused to grant such hearings. When I spoke with the chairman early in this session of Congress

requesting a hearing on my bill to repeal the surcharge, he informed me positively that there was no chance of a hearing at this session of Congress and that the committee had definitely decided that no railroad legislation would be taken up by the committee during the short session.

Mr. WINSLOW. Will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. WINSLOW. The gentleman is mistaken. You were not told that by me.

Mr. McLAUGHLIN of Nebraska. I was told exactly what I have said, Mr. Chairman, in your office when I applied to you for a hearing.

Mr. WINSLOW. Mr. Chairman, I stand on my statement.

Mr. McLAUGHLIN of Nebraska. I am not very keen about discharging committees from the consideration of a bill referred to them, but when it becomes perfectly clear that proposed legislation of this importance can be considered in no other way than by the discharge of a committee, I am in favor of invoking the rule of the House for that purpose. The entire traveling public are opposed to the Pullman surcharge. It is in fact unlawful and decidedly aggravating. It is the practice of the carriers to pay the Pullman Co. for hauling Pullman cars, and generally the roads guarantee to the Pullman Co. an income of \$2,500 annually per car, with the understanding that incomes over \$2,500 are to be split 50-50 between the Pullman Co. and the railroad company. In 1922, under this 50-50 split, the railroad company's profit was \$11,000,000. Under the operation of the surcharge of the \$37,000,000 profit that has been realized to the roads, \$20,000,000 of the amount has gone to the roads which have made more than the 6 per cent profit allowed under the transportation act. Under the transportation act of 1920 the carriers were permitted to earn not to exceed 6 per cent on their valuation, and all above 6 per cent was to be divided 50-50 with the Government. The railroads now owe the Government under this provision of the transportation act \$80,000,000, which means that their profits in excess of the 6 per cent allowed have amounted to \$160,000,000. I submit to the Members of the House that when the roads have made \$160,000,000 in excess of the 6 per cent permitted and when the larger roads which have made the bulk of this profit have in addition received \$20,000,000 out of the \$37,000,000 profit as a result of the surcharge, it is unreasonable to argue that the roads need this surcharge in order to make a reasonable profit. The argument presented by some that it costs the railroad company more to operate Pullman trains than it does day-coach trains will not stand the light of investigation. The railroad companies are under the expense of building and repairing and cleaning and furnishing the employees to run a day-coach train, while on the other hand the Pullman Co. builds, repairs, keeps up its own cars, and furnishes its employees and servants to take care of them. The railroad company is not put to one dime's expense in keeping up the rolling stock of the Pullman Co. When the railroad company, after leasing the Pullman cars from the Pullman Co. for service, which is virtually a hotel service to the traveling public, after having agreed with the Pullman Co. as to terms, come in and ask a surcharge of this kind, they put themselves on the same plane as the landlord of a hotel and his lessee, who would agree on the amount the lessee was to pay the landlord and then ask the operating manager of the hotel to make a surcharge on every room for the benefit of the landlord.

Every Member of the House is familiar with this surcharge practice. I have in my hand two Pullman receipts, one for parlor-car seat to New York and another for a sleeper from New York to Washington, and I find this message printed thereon:

The amount charged is the Pullman Co.'s rate and a surcharge of 50 per cent of that amount required by and collected as agent for the railroad company as follows:

Pullman Co. retention.....	\$1.25
Railroad company receives.....	.63

And I distinctly recall, Mr. Chairman and gentlemen of the House, that in this particular parlor car in which I rode to New York some days ago, the car was not more than half filled, and the day coaches were crowded. Had there been no parlor-car passengers at all in that car, the railroad company would have hauled it to New York empty. But because a few of us decided to pay the extra amount to ride in the parlor car and leave more room and greater comfort to the chair-car passengers, we were taxed 50 per cent of the Pullman fare to do this. The sleeper receipt which I have in my hand says the Pullman Co. retains \$2.50, the railroad company receives \$1.25; total charge, \$3.75. It has been estimated by those who have made a careful study of this situation that the increased travel on the railroads as a result of the repeal of the Pullman surcharge would more than make up for the amount received by

the railroads now by collecting the surcharge. But, Mr. Chairman, time forbids my going into this surcharge further at this time. I am only asking that on behalf of more than a million traveling salesmen, on behalf of the appeal of the Pullman Co. itself, and on behalf of one hundred million of American citizens who want this outrageous surcharge removed, that my colleagues join with the 41 others who have signed the petition at the Speaker's desk so that the Congress may at least have the opportunity of voting on this bill.

The CHAIRMAN. The time of the gentleman from Nebraska has expired. All time has expired.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the legislative branch of the Government for the fiscal year ending June 30, 1926, namely:

Mr. WINSLOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the committee, it is with great reluctance that I speak in respect of the Pullman surcharge proposition. My friend the gentleman from Nebraska [Mr. McLAUGHLIN], I think, inadvertently used language which, perhaps, he had not considered. I know he had no intention of making a misrepresentation of facts, but I think in the hurry of his very much hurried remarks he put his language together in such way as to, perhaps, carry an idea which was not quite correct. I have had one interview with him in our committee room and once out here somewhere in the area, and I did tell him that in my judgment the committee would not take that bill up, but when it came to a point of denying a hearing and saying they would not take it up I never said anything of the kind.

Mr. McLAUGHLIN of Nebraska. Will the gentleman yield?

Mr. WINSLOW. Gladly.

Mr. McLAUGHLIN of Nebraska. Did not the gentleman tell me the last time I was in his office that the committee had decided not to take up any of this proposed railroad legislation at this session of Congress?

Mr. WINSLOW. I do not think so—not in that way.

Mr. McLAUGHLIN of Nebraska. The gentleman says he does not think so; will the gentleman say outright he did not say that to me?

Mr. WINSLOW. To the best of my recollection, and if sane and sober, I did not say it to you.

Mr. McLAUGHLIN of Nebraska. I thought the gentleman was sober when he said it.

Mr. WINSLOW. Well, he may not have been sane. [Laughter.]

The facts are simple. The proposition unquestionably has merit and it is interesting a great many people, but like all these great transportation problems it must be considered from the starting point to the finish, and the going through the accounting and the ways and means of income affecting transportation companies is a long, tedious, and grueling process.

There is no man alive, in my judgment, who is justified in standing on his feet and shooting off facts, quick on the trigger, as a final judgment of the outcome of such a proposal as this.

The very fact that the commission is divided into three or four sections and have three or four ideas, differing more or less one from the other, is prima facie evidence that a proposal to remove at one swoop Pullman surcharges at present is a terrible problem. It seems to me without going into details, because I do not feel warranted in so doing, and as I do not aim to harass anyone's feelings, that the most absurd thing which could be done would be for Congress, however meritorious the Members may individually feel the question is, to undertake to bring up under a rule such as we have a subject which after weeks and months of consideration has divided the Interstate Commerce Commission of 11 men into three or four different parts in respect of conclusions.

Let us assume it is needed. It is rather a curious fact that with the exception of my good friend from Nebraska, I believe I am safe in saying that during this session not over two communications have come to our office in regard to taking up this Pullman surcharge until he himself started a petition for the discharge of the committee a few days ago. Since then we have seen the effects of the usual number of agitations which stir up people here and there for almost anything which comes before a committee in more or less propaganda form.

I do not believe our committee nor the House could take up this matter in this session of Congress satisfactorily. While

we might have been doing it as a matter of theory and mathematics as to days, we have been awaiting the report of the Interstate Commerce Commission, and I think you will all say that it would not have been good judgment for the committee having in charge that sort of legislation to anticipate or prejudge the findings of the commission whose official and expert business it is to investigate and who have been carrying on an investigation.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

The pro forma amendment was withdrawn.

The Clerk read from line 8, page 3, to line 10, on page 6.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen, I crave the permission of the committee to speak to the committee for a few minutes out of order.

To-day is Lincoln's birthday, and I would like to call the attention of the committee and of the Congress to a statement from the first inaugural address of Lincoln, which bears on a matter of very great importance at the present time. I do not think there is any question that we as national legislators have to concern ourselves with more than the question of the balanced duties, obligations, rights, and privileges of the States and of the National Government, and I desire to call your attention to-day to these words from the first inaugural address of Abraham Lincoln. I think they are words we should all bear clearly in our minds when certain proposals are here brought up for our consideration.

At the present time we have not entirely demobilized the central government from the war theory, under which all power necessarily went to the central government. Lincoln said:

Those who nominated and elected me did so with full knowledge that I had made this and many similar declarations and had never recanted them; and, more than this, they placed in the platform for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read:

*"Resolved, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes."*

Lincoln then continued:

I now reiterate these sentiments, and in doing so I only press upon the public attention the most conclusive evidence of which the case is susceptible, that the property, peace, and security of no section are to be in any wise endangered by the now incoming administration.

Gentlemen of the committee, when matters of national control of education are looming as possible spheres of action for Congress; when matters of control of persons under 18 years of age are already being considered by the Nation, I think that we, regardless of party politics, should consider the very wise admonition of Lincoln contained in that portion of his first inaugural address which I have just read. [Applause.]

The pro forma amendment was withdrawn.

Mr. TAYLOR of Colorado. Mr. Chairman, I move to strike out the last two words, and I ask permission to address the committee out of order for two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, I think one of the finest letters Abraham Lincoln ever wrote was written on the 21st of November, 1864, to Mrs. Bixley, of Boston. I think it is well to preserve it. It reads as follows:

NOVEMBER 21, 1864.

DEAR MADAM: I have been shown in the files of the War Department a statement of the adjutant general of Massachusetts that you are the mother of five sons who have died gloriously on the field of battle. I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I can not refrain from tendering to you the consolation that may be found in the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

Yours very sincerely and respectfully,

ABRAHAM LINCOLN.

[Applause.]



The Clerk read as follows:

SALARIES AND MILEAGE OF MEMBERS

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, \$3,304,500.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 10, line 2, after the word "Islands," strike out \$3,304,500 and the period and insert in lieu thereof \$2,322,000, a colon, and the following proviso, to wit:

"Provided, (a) That, beginning with the 1st day of July, 1925, the House of Representatives shall be composed of 304 Members, to be apportioned among the several States, as follows:

"Alabama, 7; Arizona, 1; Arkansas, 5; California, 10; Colorado, 3; Connecticut, 4; Delaware, 1; Florida, 3; Georgia, 8; Idaho 1; Illinois, 19; Indiana, 8; Iowa, 7; Kansas, 5; Kentucky, 7; Louisiana, 5; Maine, 2; Maryland, 4; Massachusetts, 11; Michigan, 10; Minnesota, 7; Mississippi, 5; Missouri, 10; Montana, 2; Nebraska, 4; Nevada, 1; New Hampshire, 1; New Jersey, 9; New Mexico, 1; New York, 30; North Carolina, 7; North Dakota, 2; Ohio, 16; Oklahoma, 6; Oregon, 2; Pennsylvania, 25; Rhode Island, 2; South Carolina, 5; South Dakota, 2; Tennessee, 7; Texas, 18; Utah, 1; Vermont, 1; Virginia, 7; Washington, 4; West Virginia, 4; Wisconsin, 8; Wyoming, 1.

"(b) That in effecting this proposed economy and retrenchment in governmental expenses where the provisions of this bill reduces the present representation of a State in Congress the delegation of such State, before July 1, 1925, shall decide by lot which of its Representatives shall be eliminated for service during the remainder of the Sixty-ninth Congress.

"(c) That in each State entitled under this apportionment to more than one Representative the Representatives to the Seventieth and each subsequent Congress shall be elected by districts composed of a contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of Representatives to which such State may be entitled in Congress, no district electing more than one Representative.

"(d) That in all States in which the present number of Representatives has been changed under this apportionment, until such States shall be redistricted in the manner provided by the laws thereof, and in accordance with the provisions of section 3 of this act, the Representatives from each State not so redistricted shall be elected by the State at large; and if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed.

"(e) That candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for governor, unless otherwise provided by the laws of such State."

During the reading of the amendment the following occurred:

Mr. HILL of Maryland. Mr. Chairman, I make the point of order on that.

Mr. BLANTON. It comes under the Holman rule. Let the whole amendment be read.

Mr. MONTAGUE. Mr. Chairman, is it competent for this body to apportion Representatives on an appropriation bill?

Mr. BLANTON. This comes under the Holman rule.

The Clerk completed the reading of the amendment.

Mr. DICKINSON of Iowa. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BLANTON. Mr. Chairman, every man in this House who stays here and works—and, of course, all of you do that—knows this to be the fact, that we have too many Members in the House of Representatives. If we could reduce the membership from 435 to 304 Members, such as is proposed by my amendment, it would save nearly a million dollars annually. You would get more efficient work, you would get better service for the people, and Members would stay here and attend to business. With 435 Members the House is top-heavy and unwieldy. My amendment is not subject to the point of order because it comes within the Holman rule. It retrenches the expenses, it reduces the expenditures of the Government \$1,000,000 a year, because when you cut off the services of 131 Members from the pay roll of the Government you automatically reduce the expenses of the Government about \$1,000,000 annually. With such a saving and with increased efficiency, there would then be good excuse for raising salaries.

Mr. CABLE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CABLE. Does the gentleman mean to say that if he received more salary he would work harder?

Mr. BLANTON. I would try to,

Mr. UPSHAW. That would be impossible, for the gentleman from Texas could not work harder than he does now.

Mr. BEGG. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BEGG. The gentleman says that the amendment is not subject to a point of order; does not the law fix the basis on which the membership of the House is to be ascertained?

Mr. BLANTON. Yes; but that is the prime purpose of the Holman rule. It is to permit a change in the law when you retrench expenditures. That rule allows the House on an appropriation bill to change the law.

Mr. BEGG. The gentleman knows he can not do it in that way; he knows the rules of the House better than that.

Mr. BLANTON. The gentleman from Ohio is the spokesman of his party, but he has not sat in that chair enough to render many decisions. There are decisions of the best parliamentarians in the House to the effect that you can pass legislation on appropriation bills and change the law when the amendment abolishes positions and retrenches expenditures, and that is what my amendment proposes to do.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. How many copies of this amendment and this speech has the gentleman planned to send into his district?

Mr. BLANTON. Oh, the gentleman from Wisconsin is always thinking about elections and his own political welfare. That is why he does not get anywhere. He is thinking too much about elections. "I do not think about elections in my service here, for my people take care of me. That is a thought farthest removed from me; I never think of being reelected until the time comes around. I seek here to serve the people so as to benefit them, not myself. But I regret that I have not the time to yield further to my distinguished friend from Wisconsin. Do you know what my people do? They take care of me at home, and they tell me to stay here and look after their interests, and they will look after my interests at the polls, and they do it. I can depend upon them. I know them and have confidence in them. If the gentleman had constituents in Wisconsin like that, he would not be troubled about elections. That is one of the reasons I am willing to take my chances with my colleagues in reducing the Representatives from 18 to 13 in Texas. I am also willing, under my amendment, to have my name put in a hat, with the 17 others from Texas, and require the first five drawn out to go back home on July 1, 1925, and let the other 13 stay here and represent Texas, even though I should be one of the five. I am willing to do that in the interest of the Government and in the interest of the tax-burdened people and to cause retrenchment of expenditures by \$1,000,000 annually.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes; I could not refuse.

Mr. SCHAFER. If the gentleman were to go back home to his constituents, what would they do? They would not have the gentleman here to look after their interests, and who would do that?

Mr. BLANTON. Oh, I lived among my constituents for years before I came to Congress, and I could do so again.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BARBOUR. I concur in a good deal of what the gentleman says.

Mr. BLANTON. I am glad to hear that.

Mr. BARBOUR. If the point of order is overruled, I am going to vote for the amendment; but does the gentleman think there is any chance of the amendment being adopted, when we can not get an apportionment bill reported out of the committee which will fix the membership at the present number? They will not report it out because they are afraid there will not be any increase.

Mr. BLANTON. There is a chance of getting this amendment passed if gentlemen will forget themselves and think only of the Government and the taxpayers back home, and be willing to take their chances along with me on this matter. In that event we can pass this amendment and save a million dollars a year, and have a better working, more efficient Congress with the membership reduced from 435 to 304, as I propose.

Mr. DICKINSON of Iowa. Mr. Chairman, I make the point of order against the amendment, on the ground that it is legislation on an appropriation bill and does not come within the provisions of the Holman rule. It is in violation of existing law. I suggest that there is not a word in the amendment which says anything about population, and under the Constitution the number of Representatives is fixed according to the population. It does not follow, therefore, because you

arbitrarily fix the number of Representatives here by reduction of the number we already have that you can assume that it is going to reduce the total number of Representatives. That being the case, the Chair can not tell whether it is going to reduce expenses or not. On top of that, there is this further provision in paragraph 2 of Rule XXI:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States—

And we are not officers of the United States, and it has been so held.

Mr. BLANTON. Oh, yes; we are.

Mr. DICKINSON of Iowa. Oh, we are not—

by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Mr. MONTAGUE. Mr. Chairman, if this were a matter to be voted for upon its merit, I might vote for the gentleman's amendment or for a bill to effect the substantive purpose of the amendment of the gentleman from Texas; but I submit to the Chair that this amendment is not germane. The major object of the amendment is to effectuate a reapportionment of representation in the House, and the reduction of cost is a mere incident; it is the shadow of the substance. The main purpose of the amendment is to reduce the apportionment. I therefore submit that in an appropriation bill it is incompetent to consider an amendment designed to accomplish so radical a legislative reform.

Mr. BLANTON. Mr. Chairman, this is a scientific apportionment under the last census, with a just pro rata basis of representation to each State. It is a scientific bill which I have had pending before the committee for four years. The Holman rule says that whenever you decrease the officers or employees on the pay roll and retrench expenditures of the Government, such an amendment is in order, and in that way you can place legislation on an appropriation bill. This reduces the number of representatives. It reduces that number by 131, and at \$7,500 a year retrenches expenditures nearly a million dollars per annum.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I regret that I have not the time. I am talking to the Chair. I want to convince him. Why is it not within the Holman rule? It takes 131 officers off the pay roll. It saves nearly a million dollars a year. The Chair does not have to pass on the merits of it or upon the expediency of it. The present Chairman is chairman of the Committee on Rules, and I am depending on him to give me the benefit of the rule. This seeks to retrench expenditures by nearly \$1,000,000 a year, and it takes off the pay roll 131 men. I think the Chair would have to go a long way to hold that it is not in order under the Holman rule.

Mr. HILL of Maryland. Mr. Chairman, I made the original reservation of the point of order, and I rise merely to call attention to the fact that the Constitution provides that representatives and direct taxes shall be apportioned among the several States which may be included within the Union, according to their respective numbers.

Mr. BARBOUR. On that point this does not attempt to apportion the representatives among the various States at all. It merely fixes the number, and then the number shall be apportioned among the various States, according to population.

Mr. HILL of Maryland. That is absolutely an apportionment, entirely so, and could not be anything else.

The CHAIRMAN. The Chair is ready to rule. The Chair appreciates the fact that the amendment would reduce the amount of money paid out of the Treasury of the United States, but the amendment goes very much further than that in the way of changing existing law; in fact, the legislative is the main part of the amendment. Paragraph 958 of the Manual, under "Important decisions," reads as follows:

An amendment changing existing law, under the proviso of clause 2, Rule XXI, must be authorized by the House committee having jurisdiction of the subject matter of such legislation.

This legislation would properly come from the Committee on the Census and could not be offered at this time by either the Committee on Appropriations or by an individual from the floor.

And the Chair bases his decision also on the decision rendered by Chairman CHINDEN just the other day in reference to an amendment offered by the gentleman from Ohio

[Mr. CABLE] in regard to sending messengers to Washington with the electoral vote. The Chair at that time sustained the point of order against the amendment on the ground that the legislation did not come from a committee having jurisdiction over that legislation. The Chair would also further refer to a decision made by Representative GARRETT of Tennessee as set forth very fully in paragraph 958 of the House Manual, in which he distinctly states:

The Chair is of opinion that the Committee on Appropriations may not under the rule bring in as an integral part of an appropriation bill substantive legislation that, if introduced in the ordinary way in the House—that is, by bill or joint resolution presented by a Member—would go to another standing committee of the House for consideration and action.

On the basis that this amendment, if it could be introduced, must come from a committee having jurisdiction over the same, the point of order is sustained.

The Clerk read as follows:

#### OFFICE OF THE CLERK

Salaries: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, \$6,500; journal clerk, and two reading clerks, at \$4,200 each; disbursing clerk, \$3,570; tally clerk, \$3,470; file clerk, \$3,420; enrolling clerk, \$3,200 and \$1,000 additional so long as the position is held by the present incumbent; property custodian and superintendent of furniture and repair shop, who shall be a skilled cabinetmaker or upholsterer and experienced in the construction and purchase of furniture, \$3,600; two assistant custodians at \$3,000 each; chief bill clerk, \$3,150; assistant enrolling clerk, \$2,880; assistant to disbursing clerk, \$2,780; stationery clerk, \$2,570; librarian, \$2,460; assistant librarian, \$2,240; assistant file clerk, \$2,250; assistant librarian, and assistant journal clerk, at \$2,150 each; clerks—one \$2,150, three at \$2,020 each; bookkeeper, and assistant in disbursing office, at \$1,940 each; four assistants to chief bill clerk, at \$1,830 each; stenographer to the Clerk, \$1,730; locksmith and typewriter repairer, \$1,620; messenger and clock repairer, \$1,520; assistant in stationery room, \$1,520; three messengers, at \$1,410 each; stenographer to journal clerk, \$1,310; nine telephone operators, at \$1,200 each; three session telephone operators, at \$100 per month each from December 1, 1925, to June 30, 1926; substitute telephone operator, when required, at \$3.30 per day; \$500; laborers—three at \$1,200 each, nine at \$1,010 each; purchase, exchange, operation, maintenance, and repair of motor vehicles, \$1,200; in all, \$124,620.

Mr. BARBOUR. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee a question. Last year we appropriated \$20,000, I believe, to have the roll-top desks made into flat-top desks. Has any progress been made in that direction?

Mr. DICKINSON of Iowa. All desks presented for change have been changed. I think some eighty-odd have been changed, and there is sufficient money made available to change the rest of them if Members so request.

Mr. BARBOUR. Is it necessary to make a request in order to have your desk changed?

Mr. DICKINSON of Iowa. Yes.

Mr. BARBOUR. To whom?

Mr. DICKINSON of Iowa. To the Clerk of the House, and they expect to do a good deal of that work during the summer recess.

Mr. BARBOUR. I expected to find my desk changed when I returned and was surprised to find it was still a roll-top desk.

Mr. DICKINSON of Iowa. If the gentleman will request it—

Mr. BARBOUR. I shall surely request it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

#### COMMITTEE EMPLOYEES

Clerks, messengers, and janitors to the following committees: Accounts—clerk, \$2,880; assistant clerk, \$2,150; janitor, \$1,310. Agriculture—clerk, \$2,880; assistant clerk, \$2,150; janitor, \$1,310. Appropriations—clerk, \$5,000, and \$1,000 additional so long as the position is held by the present incumbent; assistant clerk, \$4,000; six assistant clerks, at \$3,000 each; assistant clerk, \$2,440; janitor, \$1,440. Banking and Currency—clerk, \$2,360; assistant clerk, \$1,520; janitor, \$1,010. Census—clerk, \$2,360; janitor, \$1,010. Civil Service—clerk, \$2,360; janitor, \$1,010. Claims—clerk, \$2,880; assistant clerk, \$1,520; janitor, \$1,010. Coinage, Weights, and Measures—clerk, \$2,360; janitor, \$1,010. Disposition of Useless Executive Papers—clerk, \$2,360. District of Columbia—clerk, \$2,880; assistant clerk, \$2,150; janitor, \$1,010. Education—clerk, \$2,360. Election of President, Vice President, and Representatives in Congress—clerk, \$2,360. Elections No. 1—clerk, \$2,360; janitor, \$1,010. Elections No. 2—clerk, \$2,360; janitor,



\$1,010. Elections No. 3—clerk, \$2,360; janitor, \$1,010. Enrolled Bills—clerk, \$2,360; janitor, \$1,010. Flood Control—clerk, \$2,360; janitor, \$1,010. Foreign Affairs—clerk, \$2,880; assistant clerk, \$2,150; janitor, \$1,010. Immigration and Naturalization—clerk, \$2,860; janitor, \$1,010. Indian Affairs—clerk, \$2,880; assistant clerk, \$2,150; janitor, \$1,010. Industrial Arts and Expositions—clerk, \$2,360; janitor, \$1,010. Insular Affairs—clerk, \$2,360; janitor, \$1,010. Interstate and Foreign Commerce—clerk, \$2,880; additional clerk, \$2,360; assistant clerk, \$1,830; janitor, \$1,310. Irrigation and Reclamation—clerk, \$2,360; janitor, \$1,010. Invalid Pensions—clerk, \$2,880; stenographer, \$2,560; assistant clerk, \$2,360; janitor, \$1,240. Judiciary—clerk, \$2,880; assistant clerk, \$1,940; janitor, \$1,240. Labor—clerk, \$2,360; janitor, \$1,010. Library—clerk, \$2,360; janitor, \$1,010. Merchant Marine and Fisheries—clerk, \$2,360; janitor, \$1,010. Military Affairs—clerk, \$2,880; assistant clerk, \$1,830; janitor, \$1,310. Mines and Mining—clerk, \$2,360; janitor, \$1,010. Naval Affairs—clerk, \$2,880; assistant clerk, \$1,830; janitor, \$1,310. Patents—clerk, \$2,360; janitor, \$1,010. Pensions—clerk, \$2,880; assistant clerk, \$1,940; janitor, \$1,010. Post Office and Post Roads—clerk, \$2,880; assistant clerk, \$1,730; janitor, \$1,310. Printing—clerk, \$2,360; janitor, \$1,310. Public Buildings and Grounds—clerk, \$2,880; assistant clerk, \$1,520; janitor, \$1,010. Public Lands—clerk, \$2,360; assistant clerk, \$1,520; janitor, \$1,010. Revision of the Laws—clerk, \$3,000; the appropriation of \$3,000 for the fiscal year 1925 for the employment of competent persons to assist in continuing the work of compiling, codifying, and revising the laws and treaties of the United States, is continued and made available for the same purposes during the fiscal year 1926: *Provided*, such appropriation for the fiscal year 1925, and as continued for the fiscal year 1926 shall be expended during the period from March 4, 1925, to the date of election of a chairman of the Committee on Revision of the Laws for the Sixty-ninth Congress, under the direction of the Member-elect to the Sixty-ninth Congress who was acting chairman of such committee during the second session of the Sixty-eighth Congress; janitor, \$1,010. Rivers and Harbors—clerk, \$2,880; assistant clerk, \$2,150; janitor, \$1,310. Roads—clerk, \$2,360; janitor, \$1,010. Rules—clerk, \$2,360; assistant clerk, \$1,830; janitor, \$1,010. Territories—clerk, \$2,360; janitor, \$1,010. War Claims—clerk, \$2,880; assistant clerk, \$1,520; janitor, \$1,010. Ways and Means—clerk, \$3,600; assistant clerk and stenographer, \$2,360; assistant clerk, \$2,250; janitors—one \$1,310, one \$1,010. World War Veterans' Legislation—clerk, \$2,880; assistant clerk, \$2,150. In all, \$241,850.

Mr. WINSLOW. Mr. Chairman, I wish to offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amendment offered by Mr. WINSLOW: On page 12, line 23, strike out "\$2,880" and insert in lieu thereof "\$3,000."

Mr. BLACK of Texas. Mr. Chairman, I make a point of order on the amendment that the salary for that position is not authorized by law. We have a statute classifying the positions of clerks to committees, and my recollection is that the position carries with it the salary carried in the present bill.

Mr. WINSLOW. If the gentleman will reserve that point of order for a moment—

Mr. BLACK of Texas. I will be glad to reserve the point of order.

Mr. WINSLOW. I think the gentleman is correct as to the technical features of this matter.

Mr. BLANTON. Will the gentleman yield?

Mr. WINSLOW. I will.

Mr. BLANTON. The gentleman's committee is one of the most important committees in this House, in my judgment, and his committee clerk ought to be a man of the best talent procurable, and I hope my colleague will not make the point of order.

Mr. WINSLOW. If the gentleman proposes to insist on the point of order as a matter of principle, I will not take any time. If, however, he will "have a heart," I would like to make a statement.

Mr. BLACK of Texas. I have no objection to the gentleman making a statement, if he wants to. Of course I shall press the point of order, because I do not think we ought to begin to change the statutory laws.

Mr. SNELL. If the gentleman will yield, does the gentleman appreciate the fact there was an error at the time of the general revision, that three committees were left out and it was a mistake originally of the committee that presented that bill. Now the clerk to the Committee on Rules is in exactly the same position and I—

Mr. WINSLOW. Would the gentleman be willing for me to make my statement first?

Mr. SNELL. I would.

Mr. WINSLOW. In my own time. I thank the gentleman. Mr. SNELL. I did not want to take it out of the gentleman's time.

Mr. WINSLOW. I know the gentleman did not mean to do so, but the gentleman has done it.

Mr. SNELL. I beg the gentleman's pardon; go ahead.

Mr. WINSLOW. Mr. Chairman, the situation is quite like that so far described by the chairman of the Committee on Rules. Somewhere "in the works" during the past year the consideration of the amount of \$3,000 for the clerk of the Interstate Commerce Committee has been lost. I shall not labor very long in telling you the story. Three thousand dollars was what was contemplated by the committee in charge of making up the salaries originally. It is not my purpose to compare the qualifications and services of a clerk of such committee as ours with those of any other committee clerk. There are a number of higher clerk salaries, and I have no doubt they are all earned and are quite proper. Now, the query comes if, in spite of a technicality and in the interest of fair play, it would not appear well to the committee now in session to rectify a mistake which clearly has occurred?

We have much and very important work in our committee, and a very good man must be had for the place. The same is equally true of the assistant clerk, who ought to be an absolute understudy for our regular clerk. I take the liberty to say that the Committee on Appropriations having charge of this bill is, I believe, not only acquiescent in respect of my amendment, but, so far as they are warranted, indorse it.

I trust the gentleman from Texas [Mr. BLACK] will not press his point of order.

Mr. BLACK of Texas. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that on page 13, line 22, after the word "Provided," we insert the word "That," and that on line 24, after the figure "26," we insert a comma. It is simply a clerical correction of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The correction will be made.

Mr. SCHAFER. Mr. Chairman, I move to amend by striking out all of lines 13 and 14 on page 12.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER: Page 12, strike out all of lines 13 and 14.

Mr. SCHAFER. Mr. Chairman and members of the committee, it would appear that one Committee on Elections could handle all contested election cases which properly come before the House. We have heard much about economy in the newspapers and in campaign speeches, and now I see a chance where we can practice some real economy. It appears to me that three election committees have been formed and continued in order to furnish some one in the ranks of the party in control with an additional clerk and janitor.

Mr. BLANTON. Would not the gentleman prefer to wait until February 27 and take this up in his conference when it meets?

Mr. SCHAFER. I wish to advise the gentleman from Texas that I do not intend to attend the caucus. I would not attend the caucus if I had received an invitation, because I believe in a representative government, and that in a representative government legislation and policies should not be determined by a party caucus. [Applause.] I will never stultify myself by attending any caucus which would bind me to act or vote contrary to my convictions or the wishes of my constituents.

Mr. BLANTON. But you do not want to lose your patronage and committee assignments.

Mr. SCHAFER. I would not sacrifice my convictions or the wishes of my constituents by obeying a caucus decision in order to obtain patronage or committee assignments. And by the way, may I advise the gentleman from Texas that a Republican Senator supported a Democratic candidate for Governor in the great State of Wisconsin, and that Senator receives all the post-office patronage of Wisconsin.

Mr. DICKINSON of Iowa. I notice the gentleman is proposing to abolish Elections Committee No. 2, which is presided over by his colleague from Wisconsin [Mr. NELSON].

Mr. SCHAFER. It makes no difference to me if the committee were presided over by my own brother. I believe in

economy, and I believe we have an opportunity here to practice what has been preached in the last election campaign.

Mr. BLANTON. The gentleman knows he is going to lose that anyway.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. SCHAEFER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Successors to any of the employees provided for in the five preceding paragraphs may be named by the House of Representatives at any time.

Mr. BLANTON. Mr. Chairman, I make a point of order against the last sentence, which is legislation unauthorized on an appropriation bill. I will ask the Clerk to read it again.

These various resolutions mentioned in the preceding paragraph refer to certain particular employees by name. They did not provide for any successors. They name specifically the employees, and under the law and under the rules of the House where a specific employee is named in a resolution, should that man resign or die, that office ceases to exist and that position ceases to exist. But under this language, if one of these employees should resign or one of these special employees should die, another appointment can be made that is not authorized by law.

Mr. DICKINSON of Iowa. This language has been carried for a number of years.

Mr. BLANTON. I know; but there is no law for it. It has been carried on appropriation bills.

Mr. DICKINSON of Iowa. If we did not carry this language you would have no successor, and the place would remain open until the next session of Congress meets.

Mr. BLANTON. The particular personality of the employee was controlling in these instances. It was expected and contemplated that in case these particular persons who held those offices died or resigned, those offices should no longer exist. There is no law that authorizes this language.

Mr. DICKINSON of Iowa. I would like to call attention to the fact that here are carried minority employees. It simply means that the whole minority force is to be tied up in case a vacancy occurs, unless you carry this provision.

The CHAIRMAN. The Chair is ready to rule. The law reads as follows:

Successors to any of the employees provided for in the five succeeding paragraphs may be named by the House of Representatives at any time.

That is the original law, which is entitled "An act to fix the compensation of officers and employees of the legislative branch of the Government." The Chair overrules the point of order. The Clerk will read.

The Clerk read as follows:

Conference minority: Clerk, \$2,880; assistant clerk, \$1,830; janitor, \$1,310; in all, \$6,020. The foregoing employees to be appointed by the minority leader.

Mr. GARNER of Texas. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. GARNER of Texas: Page 17, after line 13, insert the following paragraph: "For compensation at the rate of \$2,880 a year from March 4, 1925, to June 30, 1926, inclusive, of a clerk for the minority members of the Committee on Ways and Means, \$3,816. This position is hereby established at such rate of compensation as Congress may from time to time appropriate, and incumbent thereof shall be appointed by and be subject to the direction of the ranking member of that committee: *Provided*, That during the period between the expiration of a Congress and the election of the members of the Committee on Ways and Means of the succeeding Congress such clerk shall be appointed by and subject to the direction of that ranking minority member of the committee of the expiring Congress who is also a Member elect of the succeeding Congress."

Mr. GARNER of Texas. Mr. Chairman and gentlemen of the committee, this amendment is intended to carry out the provisions that were made at the beginning of this Congress with reference to a clerk to the minority of the Ways and Means Committee. I submitted the matter to the subcommittee, I submitted it to the chairman of the committee [Mr. MADDEN], as well as to the majority leader [Mr. LONGWORTH], and it is carrying out the request made by the gentleman from Tennessee [Mr. GARRETT] at the beginning of this session. I

hope no point of order will be made against the amendment and that it will be adopted.

Mr. TREADWAY. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. TREADWAY. In the amendment reference is entirely made to the minority members of the Ways and Means Committee. May I ask this question of the gentleman from Texas: Is such employment for the purpose of facilitating the work of the Ways and Means Committee or has it nothing to do with the actual committee work? Does it not have reference to assistance to the minority members in connection with their Committee on Committees?

Mr. GARNER of Texas. No; this has no reference to the Committee on Committees, although this clerk does render service in that connection. Let me say to my friend from Massachusetts that he will no doubt recall that the minority submitted quite a lot of data at the last session which was, I think, interesting if not instructive, and some of it was convincing.

Mr. TREADWAY. But in no way beneficial.

Mr. GARNER of Texas. And this clerk has done some very splendid service for the entire Congress, and what he has done has been of great benefit to the minority members of the Ways and Means Committee. Let me say to the gentleman from Massachusetts that the necessity of this was brought about by reason of the fact that the minority leader is not now the ranking member of the Ways and Means Committee as was the case when Mr. Kitchin was minority leader. That is what brought about the appointment of this clerk.

Mr. TREADWAY. But I understand the position has nothing to do with the actual committee work of the Ways and Means Committee as such.

Mr. GARNER of Texas. It has not.

Mr. LONGWORTH. The idea of the gentleman, as I understand it, is to have a man who will be there all the year around?

Mr. GARNER of Texas. That is the idea, and I will say to my friend from Ohio that the gentleman who now fills this position has been here for some 10 years. He came here with Mr. Dixon, of Indiana, and he is a very splendid man when it comes to rendering assistance, especially on taxation matters.

Mr. LONGWORTH. I think the gentleman's amendment should be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The Clerk read as follows:

#### OFFICE OF LEGISLATIVE COUNSEL

For salaries and expenses of maintenance of the office of legislative counsel, as authorized by section 1303 of the revenue act of 1918 as amended by the revenue act of 1924, \$40,000, one-half of such amount to be disbursed by the Secretary of the Senate and one-half by the Clerk of the House of Representatives.

Mr. CONNALLY of Texas. Mr. Chairman, I reserve a point of order against this paragraph. Is this the same appropriation that was formerly made for the drafting service?

Mr. DICKINSON of Iowa. Yes; and the title was changed in the revenue act to legislative counsel.

Mr. CONNALLY of Texas. When was it changed?

Mr. DICKINSON of Iowa. In the revenue act of 1924. This is the same service, except under another name.

Mr. CONNALLY of Texas. It is permanent law now under the head of legislative counsel?

Mr. DICKINSON of Iowa. Legislative counsel; yes.

Mr. CONNALLY of Texas. And the permanent law calls this office legislative counsel?

Mr. DICKINSON of Iowa. Yes.

Mr. CONNALLY of Texas. I was wondering when it took the name of legislative counsel.

Mr. DICKINSON of Iowa. The title was changed in the revenue act of 1924.

Mr. CONNALLY of Texas. It seems to me to be very improper nomenclature, if I may use that term.

Mr. DICKINSON of Iowa. The legislation came from the Ways and Means Committee, and that is all we know about it.

Mr. CONNALLY of Texas. I would expect the Ways and Means Committee to suggest a dignified title, but it seems to me it is unnecessary to say that this House, composed of three-fourths lawyers, needs the services of legislative counsel. I do not suppose that any of these men are really counsel; they are not lawyers.

Mr. DICKINSON of Iowa. They are all lawyers, as I understand it.

Mr. CONNALLY of Texas. They are supposed, I imagine, to draw the bills, and it is a reflection on this House to call



them legislative counsel because that implies that they not only draw the bills but do our thinking for us.

Mr. TREADWAY. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. TREADWAY. Mr. Chairman, we all recognize the faciousness of our friend from Texas, of course.

Mr. CONNALLY of Texas. And I recognize that the gentleman, perhaps, needs counsel.

Mr. TREADWAY. We do, and we admit it. If any more complicated subjects come before Congress than those presented to the Ways and Means Committee, I would be glad to have that information from the gentleman from Texas. There is no board or set of officials connected with the Government service whose duties are more complicated than the duties of the men who assist in drafting legislation, and to play on the title is, of course, absurd.

These men under the legislative drafting service or legislative counsel, if you wish to call them that, are obliged to advise in the detail work in numerous cases in the preparation of very complicated matters. It is no reflection on the Members of the House at all that they need this form of expert advice. I have no doubt these same men assist the committee that the gentleman from Texas himself so ably serves upon, the Committee on Foreign Affairs. If they do not serve that committee, it is a reflection on the quality of the work that committee produces. I know they do excellent work, and I have no doubt the legislative drafting board assists them very materially just as they do other committees.

Mr. CONNALLY of Texas. I will say to the gentleman I am not criticizing the gentlemen who are doing this service. I think they are doing a good service, but I thought it was legislative drafting they were doing. I did not know they were counseling the Ways and Means Committee. I do not doubt that some gentlemen on that committee need counsel, and I am glad they are getting it.

Mr. BLANTON. Mr. Chairman, I renew the reservation of a point of order. How many of these men are there? Does the gentleman know how many people this \$40,000 is divided among?

Mr. DICKINSON of Iowa. There are three attorneys and one clerk on the House side and five attorneys and two clerks on the Senate side.

Mr. BLANTON. Is it a fact that Congress now needs eight attorneys and two clerks to tell Congressmen and Senators how to draft bills?

Mr. DICKINSON of Iowa. The drawing of a bill is not just the matter of outlining it. It is a very technical matter to draft legislation, and we are simply making the appropriation in accordance with legislation which has already passed the House.

Mr. BLANTON. The gentleman can remember when there was only one such assistant at each end of the Capitol. This service started with one and now it has grown to eight.

Mr. DICKINSON of Iowa. As far as I recall, this appropriation has been \$40,000 ever since I have been here. The amount was increased in the estimates to \$50,000, but we reduced it to \$40,000. I do not know what the original amount was.

Mr. BLACK of Texas. Mr. Chairman, I notice in reading the hearings that Mr. Beaman, who is in charge on the House side, has only two assistants, and has held his expenses down to \$16,000, leaving a surplus of \$4,000, but that the Senate head of the legislative counsel, Mr. Lee, had four assistants and incurred a deficiency. I am wanting to know what the committee can do about preventing a deficiency in this item. It does not seem fair for the representative of the House of Representatives to keep himself within the appropriation and to allow the Senate representative to exceed the appropriation and incur a deficiency.

Mr. BLANTON. I will tell my colleague what is the matter with the whole proposition. Every time a Senate committee sits in executive session to draw a bill, instead of having their committee clerk take down the little changes as same are agreed upon, which is the regular work of a committee clerk, they have a member of this legislative counsel sit with them and do it, while the committee clerk is idle. The work is thus duplicated. I have sat in joint sessions with Senate and House committees and I have seen them operate, and it is a duplication of work and ought to be stopped.

Mr. DICKINSON of Iowa. Let me say to the gentleman from Texas that the only way to reform the Senate is to become a Member of that body and reform them over there. We can not reform the Senate over here.

Mr. BLANTON. Unfortunately all of us can not go to the Senate. But, Mr. Chairman, if this were just one adviser to

Congressmen and Senators, or even two, it would not be so bad; but eight of them are too many, and the number is growing all the time. I can remember when there was only one, and I have not been here any century.

Mr. DICKINSON of Iowa. This item has been \$40,000 for five years, as I understand it. Their recommendation was that it be increased to \$50,000, and we cut down the estimate \$10,000.

Mr. BLANTON. The gentleman was not willing to let it grow.

Mr. DICKINSON of Iowa. I was not willing to let it grow.

Mr. BLANTON. Mr. Chairman, just to test the matter out, I make the point of order that it is legislation on an appropriation bill and unauthorized.

The CHAIRMAN. The Chair finds in section 1101 of the revenue act of 1924, Sixty-eighth Congress, first session, that this service is definitely provided for. The section states:

After this subdivision takes effect the legislative drafting service shall be known as the office of the legislative counsel.

It seems the service is fully provided for by law, and the point of order is overruled.

Mr. BLANTON. Was that not a provision in an appropriation bill?

The CHAIRMAN. This language is in the revenue act of 1924.

Mr. CONNALLY of Texas. Mr. Chairman, I want to submit a question on the point of order. There was no authorization prior to that act, in permanent law, for this service, was there?

Mr. DICKINSON of Iowa. The revenue act of 1918 provided for the legislative drafting service and was permanent law.

The CHAIRMAN. The provision I have just referred to is an amendment of the revenue act of 1918.

Mr. LUCE. The gentleman from Texas has reversed the need in the case. Instead of less than \$40,000, it ought to be twice or three times that amount. The Congress of the United States is probably more backward in this particular than any other great legislative body in the world. Parliament has for a long time maintained a far more costly service to the very great benefit of the legislation of England. Nearly all the more progressive States in the Union are now maintaining these services at proportionately much larger expense than Congress incurs, taking into account the relative magnitude of the interests involved.

The service here is restricted in the benefit it brings to the Members by reason of the fact that those employed in it have so much work to do they dare not invite other work by letting it be generally known that the service exists. As a matter of fact, there ought to be enough men there to furnish prompt consultation and advice to every committee and every Member of the House.

Mr. BLANTON. Will the gentleman yield?

Mr. LUCE. I will not. The last time I yielded to the gentleman he so dislocated my remarks that they have never yet been properly put together, and after that experience I prefer to say what I have to say before I yield to the gentleman. [Laughter.]

I fear that the gentleman has again jolted me off the track, but I will try to get back by telling him that if we would spend \$100,000 a year on this service we would save in the litigation that results from bad drafting of legislative bills several times what the service costs. I could point out to him many instances of costly litigation involving great expense to citizens and to the Government that has resulted from improperly drafted legislation. In this particular instance Congress is penny-wise and pound-foolish in not being willing to spend more money. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman, I oppose the amendment. I have great respect for the gentleman from Massachusetts and his views. I do not object to this service; I was only objecting to the transformation of the name of the real work it proposes to do—the drafting service “to legislative counsel.” I grant the gentleman that a great deal of legislation would be vastly improved if committees were more careful in its preparation, but the point I make is that if somebody else is going to do the drafting and somebody else is going to do the thinking, and if we are only to push the button, as it were, when it comes out on the floor, we are not going to know much about it. I believe that the Members of Congress ought at least to know what they want to do, to make up their minds what the legislation is to be, and then tell the legislative drafting clerks or employees to draft what we want done. The gentleman from Massachusetts [Mr. TREADWAY] seems to think that these gentlemen ought not only to draft the legislation but tell him what the legislation ought to be in the first instance. If you believe in that kind of political philosophy,

well and good. I do not believe the other gentleman from Massachusetts [Mr. LUCE] entertains any such doctrine. I believe he adheres to the theory that we ought to do our own thinking and then tell the legislative service to draft it, to do the physical part, to do the labor, the muscle labor, but the gentleman from Massachusetts [Mr. TREADWAY] wants them to do not only the physical part of the labor but all the intellectual gyrations as well. [Applause.]

Mr. TREADWAY. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. TREADWAY. If my remarks entitled the gentleman to draw any such inference I am entirely mistaken as to what I myself said. I do not think the report of what I previously said would warrant the gentleman, even with his construction of the English language, to draw any such inference.

Mr. CONNALLY of Texas. The gentleman from Massachusetts got himself into this discussion without any invitation on my part. I asked when this name had been changed from drafting service to the name of legislative counsel, and the gentleman leaped to his feet and said the complaint about the change of name was absurd. Now he complains because I inferred from what he was saying—

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph. I am almost persuaded that this paragraph ought to remain in the bill. There was a time when Members used to resort diligently to precedents and to Jefferson's Manual and the House Rules for instruction, and they could draw legislation without any advice from the advisory council, but since the distinguished gentleman from Massachusetts [Mr. LUCE] has compiled his very complete and valuable book on parliamentary rules and procedure, we, who would learn, have been simply overwhelmed with complex rules and exceptions and distinctions, and we are left up in the air, and now have to get the advice of the advisory council. We need it. So we are forced to believe from the argument of the gentleman.

There was a time in the history of Congress where other distinguished parliamentarians from Massachusetts would rise on the floor and gladly yield to their fellow colleagues when they would courteously ask him to yield in order to get some light. In times passed other distinguished parliamentarians from Massachusetts would be princes of courtesy and would yield and throw much light on the situation. But in this day and time, in this day of cold-blooded discourtesy, we can not get light from these distinguished parliamentarians, and we have to call in the advisory council. The gentleman by his action, more than by his words, has convinced me, and I will vote for it. [Laughter and applause.]

Mr. WINSLOW. Mr. Chairman, I hesitate to participate in the pastime of these gentlemen, two from Massachusetts and two from Texas, who have been dancing a kind of four-handed reel around here, but my experience with the bill-drafting business leads me to think that I ought to contribute some little to the merriment and the seriousness of the occasion. I became chairman of the Committee on Interstate and Foreign Commerce by the accident of politics, although for some years a member of the committee. However, I got there, and found myself one of three members of the committee who did not hold out that they were lawyers. The question arose among the wise men of the House as to what was going to happen to that committee by virtue of having a workingman at the head of it. [Laughter.]

There is nothing personal in what I am going to say—far from it. My early experience as chairman of the committee reminded me, and has ever since, of my first experience in any committee of Congress. I was selected, first of all, and probably wisely so, to be a member of the Committee on Weights and Measures, and as far as I know I qualified. [Laughter.] Then, also, to make the people back home think that I was a "wise g'ink," down here for the first time, I was put on two or three miscellaneous committees of more or less account. I wound up with the Committee on Election of President and Vice President. We had a meeting of that committee, and if I am permitted to call a name here, our old and dear friend from Arkansas, Judge Rucker—is that the right State?

SEVERAL MEMBERS. Missouri.

Mr. WINSLOW. I know Missouri is right, for surely he was "from Missouri." [Laughter.] The judge as chairman called a meeting of the committee, and I was the only one of that committee who did not himself admit that he was a lawyer. The first question that came up was the matter of direct voting for candidates for President and Vice President.

Not to be offensive, and yet to illustrate the point, as I hope to later if my time permits, some lawyer member of the com-

mittee, a good fellow—yes; they all were, and are, and always will be—said he questioned the constitutionality of the provision. We had a meeting of an hour and a half, and three lawyer members discussed that proposition directly and indirectly. The first lawyer fellow raised the question and the second fellow, who was also a lawyer and a good lawyer, so I was told, questioned the wisdom of the first lawyer fellow's suggestion and raised an objection, and lawyer fellow third said that both lawyer fellows were on the wrong track. [Laughter.] Probably the third lawyer man could have enlightened us as to what was the right course to pursue, if the time had not been up; but that wise chairman from Missouri said he realized that we would have to postpone the matter till another meeting, and so we had another meeting. At the end of the second meeting we had heard from nine lawyer fellows, no one of them agreeing to anything any other lawyer fellow had said.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes. This is refreshing, very refreshing.

Mr. WINSLOW. Well, it is ancient history with me, my good friend. [Laughter.] After we had had two sessions, during which nine lawyer members had said that everybody else was wrong and no one proving that he was right, the chairman, wise and upright judge, suggested a subcommittee, and duly appointed as such all the lawyers left on the committee who had not talked on the question. So far as I know they have never reported yet. [Laughter.] That was about 12 years ago.

We opened up our sessions of the present Interstate and Foreign Commerce Committee with a workingman at the head of the committee, anxious to see goods moved out of the shipping-room door. I had hopes; but with 17 lawyers there and all present, as they always are in our committee, every one of them, we had 17 angles all running out from a hub. That is not as literally true as it may seem, but I did discover, and I am going to be perfectly frank about it, that the legal mind is more analytical than it is constructive, and the more analysis you have the more difficult is the road of the constructionist in getting into the consideration of things. At that point I learned somewhere, somehow, of this legislative drafting business. There was my salvation and only hope. So we pulled the bill drafters in. It was like pulling teeth to get them; they were so drawn upon by those committees which had been fortunate enough to have had previous experience with them, we of our committee learned after one or two sessions where the bill drafters fitted. We learned that they would look up the rulings of the courts, that they would look up cases, and so forth, and that our good lawyers, 17 in number, would pay attention to what those bill-drafting men told them were the cases and the facts, and we did not have to "chew the rag" as to whether this, that, or the other was accurate or not accurate, and we were assisted in regard to many other things that good lawyers discuss, properly enough, but, nevertheless, time consuming. The query is this: Can Congress afford, say, in our committee, to have 17 committeemen sitting around merely discussing, and so forth, with nothing final to come out of it, as well as we can afford to have enough of these legislative men go to the job and look up all of these cases and tell us the laws, tell us where the different laws which have been passed by Congress fit into one another? Why, the cheapest thing you can do is to put your Members of Congress to work on the facts and not have them fooling around pretending to do things which they do not do and never will do and which they should not be expected to do. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

The Clerk read as follows:

#### OFFICE OF ARCHITECT OF THE CAPITOL

Salaries: Architect of the Capitol, \$6,000; chief clerk and accountant, \$3,150; civil engineer, \$2,770; 2 clerks, at \$1,840 each; compensation to disbursing clerk, \$1,000; laborers—1 at \$1,100, 2 at \$1,010 each, 2 at \$950 each; forewoman of charwomen, \$760; 21 charwomen, at \$412.80 each; in all, \$31,048.80.

Mr. UPSHAW. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I feel that everything that has gone on here for the last 30 minutes is proof positive that we ought to call this committee a "legislative council" as well as a drafting committee. It has been a wonderful revelation, and I do not think we have had a season more delightful and refreshing—perhaps I should say in loyalty to a certain commodity



made in my city of Atlanta, "delicious and refreshing"—[laughter] than the revelation that has just come from the gentleman from Massachusetts [Mr. WINSLOW]. I have been thinking of him only as a statesman for a long time, and I used to be afraid of the looks of him [laughter] because of his admitted qualifications for a place on the Committee on Weights and Measures [laughter], but to find that this man, this chairman of a great, serious commercial committee, is not only a statesman but a topliner comedian is a delightful revelation. I feel like somebody ought to pass the hat and take up a collection, for we have had too much fun free of charge. [Laughter.] And this is what I have to say: I think there is a great deal in the wisdom of what Mr. WINSLOW has said. Like the gentleman from Massachusetts, I am not a lawyer, and I find myself in good company when I remember that he is a captain of industry instead of being a lawyer. I have never gone to this drafting committee but I have come away refreshed with their wisdom and helpfulness, and I think that when we sit down and talk with one man or two or three men for a few minutes and take counsel with them concerning bills we are preparing, they can properly be called a "legislative council." I am for the committee whether they draft or whether they counsel, and I am also for the gentleman from Massachusetts whether he appears in the rôle of a highly entertaining comedian, as his solemn sort of wit has revealed him to-day, or the constructive statesman that he really is. [Laughter and applause.]

The Clerk read as follows:

House Office Building: For maintenance, including miscellaneous items, and for all necessary services, \$98,965.

Mr. MOORE of Virginia. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MOORE of Virginia. Page 23, after line 21 insert a new paragraph to read as follows:

"To enable the Architect of the Capitol, subject to the direction and supervision of the Commission in Control of the House Office Building, to prepare and submit to Congress on the first day of the first regular session of the Sixty-ninth Congress plans, specifications, and estimates for the erection of an addition or extension to the House Office Building sufficient to provide two rooms for each Member, including any recommendation as to the acquisition of an additional site for the erection of an additional office building for Members, \$2,500."

Mr. MOORE of Virginia. Mr. Chairman, I offer this amendment after consulting with the gentleman from Iowa [Mr. DICKINSON] and the gentleman from Colorado [Mr. TAYLOR]. The amendment relates to a subject we are all interested in. The work that the architect is directed to perform, in order to enable him to make a report on the first day of the first session of the Sixty-ninth Congress, is to be done under the direction of the House Office Building Commission, which is composed of the Speaker, the gentleman from New Jersey, [Mr. BACHARACH], and the gentleman from Tennessee [Mr. GARRETT]. The amount mentioned in the amendment, which Mr. Lynn, the architect, says will enable him to do what is required, is \$2,500.

The question was taken and the amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, I move to strike out the last two words. I want to say to the committee, in line with the amendment just adopted, this committee made an inquiry as to the possibility of giving the Members of the House more room. Every Member not a chairman of a committee is cramped, as you know, into one room, and there certainly ought to be something done by the Congress to acquire more office room for all of us, and we have the Supervising Architect's brief statement—you will find it in the hearings, pages 45 and 46. We considered two sites. We considered the best site, the one most available, and one we ought to have the Congress consider, is the one right immediately south of the Capitol. The Government owns most of the property, and we would take that and condemn Congress Hall Hotel and the Potomac Hotel, and build a building on that entire block sufficient in size and as high as the Fine Arts Commission will permit us to build it, making about five stories on the north and east front and six stories on the south and west fronts, and that would provide ample facilities to every Congressman to have at least two rooms, and making them more adaptable to our needs than the ones we have at the present time.

That property can all be acquired and the building built for about \$8,000,000, and I do feel that that money could not be expended in any better way than in furnishing the Members of this House with very necessary and much better facilities

for transacting our business. I believe it would be a very wise and beneficial expenditure instead of spending \$20,000,000 on ornamental bridges and other subjects not so pressing or necessary. We should take this matter up in a systematic way. I introduced a bill myself to buy the block east of the present House Office Building and build another as large, but this block to the south would be much more convenient and better.

The Senators have from three to five or six rooms each, while we are cooped up in one room, and whenever anyone comes into our room the stenographers have to stop typewriting work or we can not hear what our callers are saying.

The present condition causes a great loss of time and annoyance, and I do hope the Architect of the Capitol before the next session will work out some feasible plan to relieve this situation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### BOTANIC GARDEN

Salaries: For the director and other personal services in accordance with "the classification act of 1923," \$75,354; all under the direction of the Joint Committee on the Library.

Mr. GARRETT of Tennessee. Mr. Chairman, I move on page 26, line 14, to strike out the figure "3" and insert the figure "7."

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee: Page 26, line 14, strike out the figure "3" and insert in lieu thereof the figure "7," so that the amount as amended will read "\$75,754."

Mr. GARRETT of Tennessee. Mr. Chairman, my purpose in offering that amendment is that there may be what I think and believe would be a very deserved advancement in the salary of the director of the garden, to enable him to receive a compensation equal to that of men elsewhere doing anything like similar service.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To enable the Joint Committee on the Library to carry out the provisions of the joint resolution entitled "Joint resolution providing for the procurement of a design for the use of grounds in the vicinity of the Mall by the United States Botanic Garden," approved January 7, 1925, \$5,000.

Mr. LUCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 27, line 19, after the figures "\$5,000," insert "to be available immediately."

Mr. LUCE. Mr. Chairman, it is the desire to push this work as fast as possible, and therefore it is necessary to have the money in hand at once. I understand the amendment is acceptable to the committee.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### LIBRARY OF CONGRESS

##### SALARIES

For the Librarian, chief assistant librarian, and other personal services in accordance with the classification act of 1923, \$484,780.

Mr. STENGLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. STENGLE. I want to inquire of the chairman as to whether this is the proper place, on page 30, under the salaries, on line 12, to offer an amendment to make some increase in the compensation of the guards in the Library? This is apparently for the different classes of employees in the Library Building. Will the gentleman in charge of the bill tell me whether this is the proper place to offer an amendment to increase the salaries of the guards in the Library?

Mr. DICKINSON of Iowa. It is on page 30, line 14. That is the item the gentleman has in mind.

Mr. STENGLE. I thank the gentleman. I did not want the amendment to get lost; that is all.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk read as follows:

#### INCREASE OF THE LIBRARY

For purchase of books for the Library, including payments in advance for subscription books and society publications, and for freight, commissions, and traveling expenses, and all other expenses incidental to the acquisition of books by purchase, gift, bequest, or exchange, to continue available during the fiscal year 1926, \$90,000.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that the figure "6" in line 13 be changed to the figure "7." It is a clerical correction. It should be "1927" instead of "1926."

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The correction will be made. The Clerk will read.

The Clerk read as follows:

#### CONTINGENT EXPENSES OF THE LIBRARY

For miscellaneous and contingent expenses, stationery, supplies, stock, and materials directly purchased, miscellaneous traveling expenses, postage, transportation, incidental expenses connected with the administration of the Library and Copyright Office, including not exceeding \$500 for expenses of attendance at meetings when incurred on the written authority and direction of the Librarian, \$10,000.

Mr. STENGLE rose.

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12101) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes, and had come to no resolution thereon.

#### FILED M'CLOUD

Mr. BYRNES of South Carolina. Mr. Speaker, I call up the bill (H. R. 4610) for the relief of the estate of Filer McCloud, and move to concur in the Senate amendment.

The SPEAKER. The gentleman from South Carolina calls up the bill H. R. 4610 and moves to concur in the Senate amendment, which the Clerk will report.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, after "McCloud" insert "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### ENROLLED BILLS SIGNED

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

S. 660. An act for the relief of the Ogden Chamber of Commerce;

S. 785. An act for the relief of the Eastern Transportation Co.;

S. 833. An act for the relief of Emma LaMee;

S. 1038. An act for the relief of the Brooklyn Eastern District Terminal;

S. 1040. An act for the relief of the owners of the New York Sanitary Utilization Co. scow No. 14;

S. 1039. An act for the relief of the owner of the scow W. T. C. No. 35;

S. 1180. An act for the relief of J. B. Platt;

S. 3247. An act providing for the payment of any unappropriated moneys belonging to the Apache, Kiowa, and Comanche Indians to Jacob Crew;

S. 1370. An act authorizing the granting of war-risk insurance to Maj. Earl L. Naiden, Air Service, United States Army;

S. 1599. An act for the relief of the Export Oil Corporation;

S. 1705. An act for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33;

S. 1893. An act to refund certain duties paid by the Nash Motors Co.;

S. 1930. An act for the relief of the San Diego Consolidated Gas & Electric Co.;

S. 1937. An act for the relief of the Staples Transportation Co., of Fall River, Mass.;

S. 2079. An act for the relief of the owner of the American steam tug *O'Brien Brothers*;

S. 2130. An act for the relief of the owner of the ferryboat *New York*;

S. 2139. An act for the relief of the estate of Walter A. Rich, deceased;

S. 3170. An act for the relief of Edgar William Miller;

S. 2254. An act for the relief of the Beaufort County Lumber Co., of North Carolina;

S. 2293. An act for the relief of Lehigh Valley Railroad Co. and McAllister Lighterage Line (Inc.);

S. 2458. An act to authorize the payment of an indemnity to the Swedish Government for the losses sustained by its nationals in the sinking of the Swedish fishing boat *Lilly*;

S. 2860. An act for the relief of the Canada Steamship Lines (Ltd.); and

S. 3310. An act for the relief of the owners of the barkentine *Monterey*.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 64. An act to amend section 101 of the Judicial Code, as amended; and

H. R. 8550. An act to authorize the appointment of a commission to select such of the Patent Office models for retention as are deemed to be of value and historical interest and to dispose of said models, and for other purposes.

#### INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that I may have until 12 o'clock to-night to file, for printing under the rules, a conference report on H. R. 10020, the Interior Department appropriation bill.

The SPEAKER. The gentleman from Michigan asks unanimous consent to have until 12 o'clock to-night to file a conference report on the Interior Department appropriation bill. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. In view of that statement may I ask the gentleman whether it is his purpose to call up the conference report to-morrow?

Mr. CRAMTON. It is not.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. FUNK, for three days, on account of important business.

Mr. FITZGERALD (at the request of Mr. BARBOUR), for 10 days, on account of death in family.

Mr. DOYLE, for five days, on account of important business.

#### ADJOURNMENT

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Friday, February 13, 1925, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

864. A letter from the Secretary of the Treasury, transmitting eighth annual report of the Federal Farm Loan Board for the year ending December 31, 1924 (H. Doc. No. 619); to the Committee on Banking and Currency and ordered to be printed.

865. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year ending June 30, 1925, amounting to \$233,300, and for the fiscal year ending June 30, 1926, amounting to \$663,632.50; in all, \$896,932.50; also, a draft of proposed legislation affecting an existing appropriation (H. Doc. No. 614); to the Committee on Appropriations and ordered to be printed.

866. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture for the fiscal year ending June 30, 1925, to remain available until June 30, 1926, for sugar-cane-breeding investigations, Bureau of Plant Industry, \$31,000; also an item of proposed legislation affecting an existing appropriation (H. Doc. No. 615); to the Committee on Appropriations and ordered to be printed.

867. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce for the fiscal year ending



June 30, 1925, to remain available until June 30, 1926, for inquiry respecting food fishes, Bureau of Fisheries, \$25,000 (H. Doc. No. 616); to the Committee on Appropriations and ordered to be printed.

868. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1925, for the Department of the Interior, \$374,465.02 (H. Doc. No. 617); to the Committee on Appropriations and ordered to be printed.

869. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for improvement and maintenance of Executive Mansion grounds for the fiscal year ending June 30, 1925, \$1,300 (H. Doc. No. 618); to the Committee on Appropriations and ordered to be printed.

870. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1925, \$30,800, and supplemental estimates of appropriations for the fiscal year ending June 30, 1926, amounting to \$81,000; in all, \$111,800; also, two items of proposed legislation affecting existing appropriations (H. Doc. No. 620); to the Committee on Appropriations and ordered to be printed.

871. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the District of Columbia for the fiscal year ending June 30, 1925, amounting to \$24,500, and for the fiscal year ending June 30, 1926, amounting to \$18,420, together with a final judgment in the amount of \$1,527; in all, \$44,447 (H. Doc. No. 621); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 382. A resolution for the consideration of H. R. 7190 to amend the China trade act, 1922; without amendment (Rept. No. 1455). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 436. A resolution to provide for the consideration of H. R. 11957, visé fees bill; without amendment (Rept. No. 1456). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 437. A resolution to provide for the consideration of S. 2287, the Hoboken Shore Line bill; without amendment (Rept. No. 1457). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 438. A resolution to provide for the consideration of H. R. 745, the migratory bird refuge bill; without amendment (Rept. No. 1458). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 11702. A bill granting the consent of Congress to the village of Spooner, Minn., to construct a bridge across the Rainy River; without amendment (Report No. 1459). Referred to the House Calendar.

Mr. BURTNESSE: Committee on Interstate and Foreign Commerce. H. R. 11856. A bill granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.; with amendments (Rept. No. 1460). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 11920. A bill to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.; with amendments (Rept. No. 1461). Referred to the House Calendar.

Mr. JOHNSON of South Dakota: Committee on Indian Affairs. H. R. 10983. A bill providing for the leasing of restricted Indian allotments for a period not exceeding 10 years; without amendment (Rept. No. 1463). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 12123. A bill authorizing any tribe or band of Indians of California to submit claims to the Court of Claims; with amendments (Rept. No. 1464). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 12129. A bill authorizing the Crow Tribe of Indians of Montana to submit claims to the Court of Claims; with amendments (Rept. No. 1465). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUDSON: Committee on Indian Affairs. S. 1707. An act appropriating money to purchase lands for the Clallam Tribe of Indians in the State of Washington, and for other

purposes; with amendments (Rept. No. 1466). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. J. Res. 347. Joint resolution providing for an investigation of the official conduct of George W. English, district judge for the eastern district of Illinois; without amendment (Rept. No. 1467). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 348. A joint resolution authorizing the Secretary of Agriculture to award suitable medals to exhibitors winning first and championship prizes at the twenty-fifth anniversary show of the International Livestock Exposition of Chicago, Ill., held in December, 1924; without amendment (Rept. No. 1468). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. S. 2634. An act authorizing the Secretary of War to convey to the State of Maine certain land in Kittery, Me., formerly a part of the abandoned military reservation of Fort McClary; without amendment (Rept. No. 1469). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 9297. A bill to authorize the payment of an indemnity to the Government of the Dominican Republic on account of the death of Juan Soriano, a Dominican subject, resulting from the landing of an airplane belonging to the United States Marine Corps at Guerra, Dominican Republic; without amendment (Rept. No. 1471). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREW: Committee on Naval Affairs. H. R. 9669. A bill to provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line; with an amendment (Rept. No. 1472). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 12020. A bill for the relief of sufferers from the fire at New Bern, N. C., in December, 1922; without amendment (Rept. No. 1473). Referred to the Committee of the Whole House on the state of the Union.

Mr. QUIN: Committee on Military Affairs. H. R. 12030. A bill for the relief of sufferers from cyclone in northwestern Mississippi in March, 1923; without amendment (Rept. No. 1474). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. S. 2457. An act to authorize the payment of an indemnity to the Government of Nicaragua on account of the killing or wounding of Nicaraguans in encounters with the United States marines; without amendment (Rept. No. 1475). Referred to the Committee of the Whole House on the state of the Union.

Mr. McFADDEN: Committee on Banking and Currency. S. 3632. An act to amend the Federal farm loan act and the agricultural credits act of 1923; with amendments (Rept. No. 1481). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers: On useless papers in the Post Office Department (Rept. No. 1462). Ordered to be printed.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 4713. A bill for the relief of Sherman Miles; without amendment (Rept. No. 1470). Referred to the Committee of the Whole House.

Mr. TEMPLE: Committee on Foreign Affairs. S. 3576. An act for the relief of Margarethe Murphy; with amendment (Rept. No. 1476). Referred to the Committee of the Whole House.

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 9914. A bill for the relief of Edith L. Bickford; without amendment (Rept. No. 1478). Referred to the Committee of the Whole House.

Mr. HILL of Maryland: Committee on Military Affairs. H. R. 11935. A bill for the relief of John R. Anderson; without amendment (Rept. No. 1479). Referred to the Committee of the Whole House.

Mr. TEMPLE: Committee on Foreign Affairs. H. R. 12207. A bill authorizing the payment of an indemnity to John Williamson on account of the death of Daniel Shaw William-

son, a British subject, who was killed at East St. Louis, Ill., on July 1, 1921; without amendment (Rept. No. 1480). Referred to the Committee of the Whole House.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 12259) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Fort Vancouver Centennial; to the Committee on Coinage, Weights, and Measures.

By Mr. GALLIVAN: A bill (H. R. 12260) to give relief against unlawful acts of prohibition agents; to the Committee on the Judiciary.

By Mr. FROTHINGHAM: A bill (H. R. 12261) authorizing the appropriation of \$5,000 for the erection of tablets or other form of memorials in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams; to the Committee on the Library.

By Mr. WINSLOW: A bill (H. R. 12262) for the relief of certain enlisted men of the Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN: A bill (H. R. 12263) to amend section 281 of the revenue act of 1924; to the Committee on Ways and Means.

By Mr. KNUTSON: A bill (H. R. 12264) granting the consent of Congress to the State of Minnesota and the counties of Sherburne and Wright to construct a bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. SWING: A bill (H. R. 12265) granting the consent of Congress to John Lyle Harrington to construct a bridge across the Colorado River; to the Committee on Interstate and Foreign Commerce.

By Mr. DRIVER: A bill (H. R. 12266) granting the consent of Congress to R. L. Gaster, his successors and assigns, to construct a bridge across the White River; to the Committee on Interstate and Foreign Commerce.

By Mr. SUTHERLAND: Joint resolution (H. J. Res. 352) to extend until July 31, 1926, the time of oil and gas permits under the act of Congress dated February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," within which to begin operations or to drill wells to a depth and within the time prescribed by section 13 of said act of Congress of February 25, 1920, and to extend the time for completion of such drilling; to the Committee on the Public Lands.

By Mr. SABATH: Joint resolution (H. J. Res. 353) relative to the immigration of certain aliens; to the Committee on Immigration and Naturalization.

By Mr. LINTHICUM: Joint resolution (H. J. Res. 354) authorizing the Federal Reserve Bank of Richmond, Va., to invest its funds in the purchase of a site and construction of a building for its branch office at Baltimore, Md.; to the Committee on Banking and Currency.

By Mr. GIBSON: Concurrent resolution (H. Con. Res. 44) to create a joint committee on the District of Columbia government; to the Committee on Rules.

By Mr. ABERNETHY: Memorial of the Legislature of the State of North Carolina, urging Congress to pass the Lifeberger bill (H. R. 6484) in favor of disabled emergency officers of the Army during the World War; to the Committee on World War Veterans' Legislation.

By Mr. NEWTON of Minnesota: Memorial of the Legislature of the State of Minnesota, protesting against the continuation of the illegal taking of water from the Great Lakes through the Chicago Drainage Canal; to the Committee on Rivers and Harbors.

By Mr. RAKER: Memorial of the Legislature of the State of New Mexico, urging the passage of the Gooding long and short haul bill; to the Committee on Interstate and Foreign Commerce.

By Mr. NEWTON of Minnesota: Memorial of the Legislature of the State of Minnesota, petitioning the President of the United States to allocate to the State of Minnesota 500-bed tubercular hospital for the care of the tubercular persons who served in the World War; to the Committee on World War Veterans' Legislation.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of Iowa: A bill (H. R. 12267) granting a pension to Catherine Shanklin; to the Committee on Invalid Pensions.

By Mr. DOYLE: A bill (H. R. 12268) for the relief of Stella Murauski; to the Committee on Claims.

By Mr. GARDNER of Indiana: A bill (H. R. 12269) granting an increase of pension to Martha E. Gillatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12270) granting an increase of pension to Agnes M. Sims; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 12271) granting a pension to M. Elizabeth Sly; to the Committee on Pensions.

By Mr. PHILLIPS: A bill (H. R. 12272) granting a pension to Emma Augusta Schramm; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12273) granting an increase of pension to Cynthia A. Haynes; to the Committee on Invalid Pensions.

By Mr. TYDINGS: A bill (H. R. 12274) granting a pension to Mary A. Vermillion; to the Committee on Pensions.

By Mr. WELLER: A bill (H. R. 12275) for the relief of Thomas P. McSherry; to the Committee on Military Affairs.

By Mr. WHITE of Maine: A bill (H. R. 12276) granting an increase of pension to Ida F. Libby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12277) granting an increase of pension to Cyrena K. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12278) granting an increase of pension to Dorcas M. Watkins; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 12279) granting an increase of pension to Mary M. Coffin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12280) granting a pension to Laura Bell Garland; to the Committee on Invalid Pensions.

By Mr. WINTER: A bill (H. R. 12281) for the relief of Ishmael J. Barnes; to the Committee on the Public Lands.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3760. By Mr. BULWINKLE: Petition of Walter Blackburn and others, of Burke County, N. C., protesting against the passage of Senate bill 3218; to the Committee on the District of Columbia.

3761. By Mr. CHINDBLOM: Petition of Henry Pohlman and 76 other residents of Chicago, Ill., opposing Senate bill 3218 and compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3762. By Mr. FUNK: Petition of approximately 100 residents of Pontiac, Ill., protesting against the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3763. By Mr. GARRETT of Tennessee: Petition of citizens of Memphis, Tenn., opposing Senate bill 3218, or any similar legislation; to the Committee on the District of Columbia.

3764. By Mr. HICKEY: Petition of Olive E. Davis, 812 Maryland Avenue, Elkhart, Ind., signed by citizens of Elkhart, Ind., protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3765. By Mr. HUDSON: Petition of the Flint, Mich., Real Estate Board opposing the passage of House bill 110788, creating a commission controlling the rental value of property as between landlord and tenant; to the Committee on the District of Columbia.

3766. By Mr. KETCHAM: Petition of citizens of Mendon, Mich., protesting against Senate bill 3218, a bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

3767. By Mr. LEAVITT: Petition of 125 citizens of Billings, Mont., protesting the passage of Senate bill 3218, or other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3768. By Mr. PEAVER: Petition of Mr. George E. Gale and other citizens in the vicinity of Clear Lake, Wis., protesting against the enactment of Senate bill 3218 providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

3769. By Mr. RAKER: Petition of the Chamber of Commerce of the State of New York, indorsing House bill 11447 relative to the carriage of goods by sea under The Hague rules; to the Committee on the Merchant Marine and Fisheries.



3770. Also, petition of the Placer County Chamber of Commerce, Roseville, Calif., relative to the development and control of the lower Sacramento River; to the Committee on Irrigation and Reclamation.

3771. Also, petition of the Chamber of Commerce of the State of New York, urging participation of the United States in a world court; to the Committee on Foreign Affairs.

3772. Also, letter from N. L. Moose, of Los Angeles, Calif., indorsing and urging passage of House bill 9629, the reorganization bill; also, letter from the Axelson Machine Co., of Los Angeles, Calif., indorsing and urging passage of the reorganization bill (H. R. 9629); to the Joint Committee on Reorganization of Executive Departments.

3773. Also, petition of the Chamber of Commerce of the State of New York, urging the continuation of naval radio service on the Pacific Ocean; to the Committee on Naval Affairs.

3774. Also, letter from J. L. Blair, president New Process Co., Warren, Pa., relative to the postal salary and rate increase bill; telegram from American Farm Bureau Federation, Washington, D. C., protesting against passage of postal bill raising parcel-post rates; and telegram from J. W. Nelson, Berkeley, Calif., protesting against postal bill raising parcel-post rates; to the Committee on the Post Office and Post Roads.

## SENATE

FRIDAY, February 13, 1925

(Legislative day of Tuesday, February 3, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

### NAMING A PRESIDING OFFICER

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D. C., February 13, 1925.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GEORGE H. MOSES, a Senator from the State of New Hampshire, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,  
President pro tempore.

Mr. MOSES thereupon took the chair as Presiding Officer.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4610) for the relief of the estate of Filer McCloud.

### ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Presiding Officer, Mr. MOSES, as Acting President pro tempore:

S. 660. An act for the relief of the Ogden Chamber of Commerce;

S. 785. An act for the relief of the Eastern Transportation Co.;

S. 833. An act for the relief of Emma LaMee;

S. 1038. An act for the relief of the Brooklyn Eastern District Terminal;

S. 1039. An act for the relief of the owner of the scow W. T. C. No. 35;

S. 1040. An act for the relief of the owners of the New York Sanitary Utilization Co. scow No. 14;

S. 1180. An act for the relief of J. B. Platt;

S. 1370. An act authorizing the granting of war-risk insurance to Maj. Earl L. Naiden, Air Service, United States Army;

S. 1599. An act for the relief of the Export Oil Corporation;

S. 1705. An act for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33;

S. 1893. An act to refund certain duties paid by the Nash Motors Co.;

S. 1930. An act for the relief of the San Diego Consolidated Gas & Electric Co.;

S. 1937. An act for the relief of the Staples Transportation Co., of Fall River, Mass.;

S. 2079. An act for the relief of the owner of the American steam tug O'Brien Brothers;

S. 2130. An act for the relief of the owner of the ferryboat New York;

S. 2139. An act for the relief of the estate of Walter A. Rich, deceased;

S. 2254. An act for the relief of the Beaufort County Lumber Co., of North Carolina;

S. 2293. An act for the relief of Lehigh Valley Railroad Co. and McAllister Lighterage Line (Inc.);

S. 2453. An act to authorize the payment of an indemnity to the Swedish Government for the losses sustained by its nationals in the sinking of the Swedish fishing boat *Lilly*;

S. 2860. An act for the relief of the Canada Steamship Lines (Ltd.);

S. 3170. An act for the relief of Edgar William Miller;

S. 3247. An act providing for the payment of any unappropriated moneys belonging to the Apache, Kiowa, and Comanche Indians to Jacob Crew;

S. 3310. An act for the relief of the owners of the barkentine *Monterey*; and

H. R. 4610. An act for the relief of the estate of Filer McCloud.

### ASSESSED VALUATION OF RAILROADS (S. DOC. NO. 199)

The PRESIDING OFFICER laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, in response to Senate Resolution 199 (submitted by Mr. DILL and agreed to March 28, 1924), a report of the assessed valuations for taxation purposes of railroad property in the United States (with certain exceptions) under the control of the Interstate Commerce Commission, which, with the accompanying report, was referred to the Committee on Interstate Commerce and ordered to be printed.

### PETITIONS AND MEMORIALS

Mr. WALSH of Montana presented the following memorial adopted by the Legislative Assembly of the State of Montana, which was referred to the Committee on Foreign Relations:

House memorial 1 (introduced by McCarty) to the Congress of the United States asking it to authorize the participation of the United States in the International Conference for Arbitration and Disarmament of Nations to be held in Geneva on June 15, 1925

### IN THE HOUSE

January 14, 1925: Read first and second time and referred to committee on Federal relations.

January 20, 1925: Amended, and as amended, committee recommends bill do pass. Report adopted and referred to printing committee.

January 22, 1925: Reported correctly printed. Report adopted and referred to general orders.

January 28, 1925: Amended, and as amended, recommended favorably by committee of the whole. Report adopted and referred to engrossing committee.

January 30, 1925: Reported correctly engrossed. Report adopted and referred to calendar for third reading. Title agreed to. Read three several times and passed. Referred to enrolling committee.

January 31, 1925: Reported correctly enrolled.

Whereas the League of Nations has issued a protocol calling for an International Conference for Arbitration and Disarmament of Nations, to be held in Geneva, June 15, 1925, if prior to June 1, 1925, the majority of the permanent members of the council of the league, consisting of Great Britain, France, Italy, and Japan, and at least 10 other countries, ratify the protocol; and

Whereas the United States of America and all other nonmember nations have been invited to ratify the protocol and participate in the conference; and

Whereas the League of Nations, though it may be crude in the making, is the greatest concerted effort yet made toward participation in carrying out the plan establishing world peace; and

Whereas it is only through friendly cooperation and participation in a conference among nations, that the United States of America can point the way to universal peace; and

Whereas it should be the chief duty of all who wish to spare coming generations untold miseries and sufferings which a scientific and chemical warfare may bring to humanity: Therefore be it

Resolved by the Nineteenth Legislative Assembly of the State of Montana, That it is the sense of this legislature that the Congress of the United States authorize the participation of the United States as a nonmember in the conference for world disarmament to be held in Geneva, June 15, 1925, and to send a representation of America's greatest men to such conference: Be it further

Resolved, That a copy of this memorial be forwarded to the Senate and the House of Representatives of the United States, and to each of the Senators and Representatives from Montana.

W. C. BRICKER,  
Speaker of the House.

Mr. SIMMONS presented a joint resolution of the Legislature of North Carolina, favoring the passage of Senate bill 33, making eligible for retirement under certain conditions officers of